United Nations

Report of the Committee on the Elimination of Discrimination against Women

Thirty-fourth session
(16 January-3 February 2006)

Thirty-fifth session
(15 May-2 June 2006)

Thirty-sixth session
(7-25 August 2006)

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Letter of transmittal

25 August 2006

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, "shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Discrimination against Women held its thirty-fourth session from 16 January to 3 February 2006, its thirty-fifth session from 15 May to 2 June 2006, and its thirty-sixth session from 7 to 25 August 2006 at United Nations Headquarters. It adopted its reports on the sessions at the 719th meeting, on 3 February 2006, the 737th meeting on 2 June 2006 and the 755th meeting on 25 August 2006, respectively. These three reports of the Committee are herewith submitted to you for transmission to the General Assembly at its sixty-first session.

(*Signed*) Rosario G. **Manalo**
Chairperson
Committee on the Elimination of Discrimination against Women

His Excellency Mr. Kofi Annan
Secretary-General of the United Nations
New York

Part one
Report of the Committee on the Elimination of Discrimination against Women on its thirty-fourth session

Chapter I

Matters brought to the attention of States parties

Decisions

Decision 34/1

The Committee considered the question of treaty body reform. It is of the view that no decision should be taken at the present time on the question of a possible transfer of the Committee and its secretariat. Instead, the Committee recommends strongly that further reflection take place once the details of the reform proposals are available, and that its own inputs be taken into consideration in the decision-making process.

Chapter II

Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the Optional Protocol

1. As at 3 February 2006, the closing date of the thirty-fourth session of the Committee on the Elimination of Discrimination against Women, there were 180 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981. Forty-seven States parties had accepted the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time.

2. On the same date, there were 76 States parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 54/4 of 6 October 1999 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with article 16, the Optional Protocol entered into force on 22 December 2000.

3. A list of States parties to the Convention, a list of States parties that have accepted the amendment to article 20, paragraph 1, concerning the Committee's meeting time, and a list of States parties that have signed, ratified or acceded to the Optional Protocol to the Convention are contained in annexes I to III to part three of the present report.

B. Opening of the session

4. The Committee held its thirty-fourth session at United Nations Headquarters from 16 January to 3 February 2006. The Committee held 18 plenary meetings (702nd to 719th) and held 10 meetings to discuss agenda items 4, 5, 6 and 7. A list of the documents before the Committee is contained in annex IV to part three of the present report.

5. The session was opened by the Committee's Chairperson, Rosario Manalo.

6. The Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Rachel Mayanja, and the Director of the Division for the Advancement of Women, Carolyn Hannan, addressed the Committee at its 702nd meeting.

C. Adoption of the agenda

7. The Committee considered the provisional agenda (CEDAW/C/2006/I/1 and Corr.1) at its 702nd meeting. The agenda was adopted as follows:

    1. Opening of the session.

2. Adoption of the agenda and organization of work.

3. Report of the Chairperson on activities undertaken between the thirty-third and thirty-fourth sessions of the Committee.

4. Consideration of the reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.

6. Ways and means of expediting the work of the Committee.

7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

8. Provisional agenda for the thirty-fifth session.

9. Adoption of the report of the Committee on its thirty-fourth session.

8. Statements were made by Krisztina Morvai, Meriem Belmihoub-Zerdani and Hanna Beate Schöpp-Schilling.

D. Report of the pre-session working group

9. At the 702nd meeting, Victoria Popescu introduced the report of the pre-session working group. The pre-session working group for the thirty-fourth session of the Committee met from 25 to 29 July 2005.

10. The following members, representing different regional groups, participated in the working group: Mary Shanthi Dairiam, Magalys Arocha Domínguez, Françoise Gaspard, Pramila Patten and Victoria Popescu Sandru. The pre-session working group elected Ms. Popescu Sandru as its Chairperson.

11. The working group prepared lists of issues and questions relating to the reports of the following States parties: Australia, Cambodia, Eritrea, Mali, Thailand, The former Yugoslav Republic of Macedonia, Togo and Venezuela (Bolivarian Republic of) (see CEDAW/PSWG/2006/I/CRP.1, CEDAW/C/AUL/Q/4-5; CEDAW/C/KHM/Q/1-3; CEDAW/C/ERI/Q/1-3; CEDAW/C/MLI/Q/2-5; CEDAW/C/THA/Q/4-5; CEDAW/C/MCD/Q/1-3; CEDAW/C/TGO/Q/1-5; and CEDAW/C/VEN/Q/4-6).

E. Organization of work

12. At the 702nd meeting, the Chief of the Women's Rights Section, Christine Brautigam, Division for the Advancement of Women, introduced item 5, implementation of article 21 of the Convention (CEDAW/C/2006/I/3 and Add.1, 3 and 4), and item 6, ways and means of expediting the work of the Committee (CEDAW/C/2006/I/4).

13. On 16 January 2006, the Committee held a closed meeting with representatives of specialized agencies and bodies of the United Nations in which country-specific information was provided as well as information on the efforts made by the body or

entity concerned to promote the provisions of the Convention at the national and regional levels through its own policies and programmes.

14. On 16 and 23 January, the Committee held informal public meetings with representatives of non-governmental organizations who provided information about the implementation of the Convention in 7 of the 8 States reporting at the thirty-fourth session, namely Australia, Cambodia, Mali, Thailand, the former Yugoslav Republic of Macedonia, Togo and Venezuela (Bolivarian Republic of).

F. Membership of the Committee

15. All members except Tiziana Maiolo attended the session. A list of members of the Committee, indicating the duration of their terms of office, is contained in annex V to part three of the present report.

Chapter III

Report of the Chairperson on the activities undertaken between the thirty-third and thirty-fourth sessions

16. At the 702nd meeting, the Chairperson reported on her activities undertaken since the thirty-third session. She highlighted her participation in the sixtieth session of the General Assembly, where she had addressed the Third Committee on 11 October under items 64 and 65.

Chapter IV

Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

17. At its thirty-fourth session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the initial report of one State party; the combined initial, second and third periodic reports of three States parties; the combined initial, second, third, fourth and fifth periodic report of one State party; the combined second, third, fourth and fifth periodic report of one State party; the combined fourth and fifth periodic report of two States parties; and the combined fourth, fifth and sixth periodic report of one State party.

18. The Committee prepared concluding comments on each of the States parties' reports considered, that are set out below. Summaries of the introductory statements of reporting States are no longer included in the annual report (see paragraph 365 in chapter VI under "Enhancing the Committee's working methods under article 18 of the Convention").

B. Consideration of reports of States parties

1. Combined initial, second and third periodic reports

Cambodia

19. The Committee considered Cambodia's initial, second and third periodic report (CEDAW/C/KHM/1-3) at its 705th and 706th meetings on 19 January 2006 (see CEDAW/C/SR.705 and 706). The Committee's list of issues and questions is contained in CEDAW/C/KHM/Q/1-3 and Cambodia's responses are contained in CEDAW/C/KHM/Q/1-3/Add.1.

Introduction

20. The Committee commends the State party for ratifying the Convention without reservation and expresses its appreciation to the State party for its initial, second and third periodic report, which followed the Committee's guidelines, while regretting that it was overdue. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

21. The Committee commends the State party for its high-level delegation, which was headed by the Minister of Women's Affairs and included representatives from the Cambodian National Council for Women and the ministries of justice, health and education. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

22. The Committee notes with appreciation the significant efforts undertaken by the State party aimed at achieving gender equality and eliminating discrimination

against women. The Committee welcomes the establishment of the national machinery for the advancement of women, namely the Ministry of Women's Affairs and the Cambodian National Council for Women, and the adoption of the five-year national plan known as *Neary Rattanak*, which focuses on building women's capacity and the integration of gender perspectives into the National Poverty Reduction Strategy 2003-2005.

23. The Committee commends the ongoing process of legal reform, in particular the reform of the Criminal Code to include punishment for offences of discrimination against women, and the revision of the 1996 Law on Suppression of Kidnapping, Trafficking/Sale and Exploitation of Human Persons to include sanctions against offenders and protection measures for victims.

24. The Committee welcomes the adoption and entry into force in October 2005 of the Law on the Prevention of Domestic Violence and Protection of Victims.

25. The Committee commends the efforts of the State party to reform the justice system and to ensure the independence of the judiciary, including the Law on the Organization of the Court, the Law on the Status of Judges and the preparation of the code of conduct for judges.

26. The Committee also welcomes the fact that better statistical data to assess the status of women are now available to the State party, in particular the publication entitled "A Fair Share for Women".

Principal areas of concern and recommendations

27. While noting that article 31.1 of the Constitution stipulates recognition of and respect for international human rights agreements, and that article 45.1 calls for the abolition of all forms of discrimination against women, and that the Convention takes precedence over domestic law, the Committee is nevertheless concerned that the provisions of the Convention are not self-executing and are not directly applicable in court proceedings.

28. **The Committee urges the State party to take immediate measures to ensure that the Convention becomes fully applicable in the domestic legal system, including through publication in the Official Gazette, and that its provisions are fully incorporated into national legislation, including through the introduction of sanctions, where appropriate. It also recommends that the State party implement measures to create awareness about the Convention among judges, prosecutors and lawyers and include the Convention in relevant curricula courses on human rights, including on women's human rights, so as to ensure that the spirit, objectives and provisions of the Convention are well known and used in judicial processes.**

29. The Committee is concerned that there is no specific definition of the nature and forms of discrimination against women in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination, in Cambodian law. It is also concerned that there is no legal provision for special temporary measures.

30. **The Committee urges the State party to include in domestic law a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention. It encourages**

the State party to take advantage of the ongoing legal reform process to achieve the full compatibility and compliance of all laws with the provisions of the Convention. It also recommends that the State party include adequate sanctions in the civil and criminal codes for acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated. The Committee further recommends that legal provisions be made for temporary special measures to accelerate de facto equality in line with article 4.1 of the Convention.

31. The Committee is concerned that the scale and scope of the programmes for women are not clear and that there is no data on the results of the implementation or effectiveness of the various measures, including the mainstreaming of gender perspectives in the National Poverty Reduction Strategy 2003-2005. It is also concerned that attention to women's human rights may not be adequately integrated into the macroeconomic framework of the country.

32. **The Committee recommends that recognition and implementation of women's human rights be integrated into the Rectangular Strategy for Growth, Employment, Equity and Efficiency using the framework of substantive equality and non-discrimination of the Convention. It calls on the State party to ensure adequate coordination among all sectoral programmes so that there is a consistent approach with regard to gender mainstreaming. The Committee also recommends that progress in all programmes for the advancement of women, including gender mainstreaming efforts, be monitored and that the effectiveness of the national machinery for the advancement of women and related institutions, such as the Cambodian National Council for Women and the technical working group on gender be evaluated. The Committee requests that the State party provide information on the scale and scope as well as on the results and impact of its programmes for women and the evaluation of its women-specific institutions in its next periodic report.**

33. While welcoming the adoption of the Law on Prevention of Domestic Violence and Protection of Victims and the ongoing reform of the Criminal Code, the Committee is concerned that provisions remain in the law that may limit its application in cases of spousal abuse and that it does not protect former spouses against abuse. It is also concerned about the limited progress achieved in preventing and eliminating violence against women and the existing obstacles that gravely limit the effective enforcement of the Law. In particular, the Committee is concerned that women face significant obstacles in accessing justice because of a lack of trust in the judicial system, the arbitrary interpretation of the criminal law by judges in favour of perpetrators, the prevalence of impunity of perpetrators, the limited availability of legal aid and the high cost of medical certificates that are required in cases of rape and sexual assault. The Committee is also concerned about the persistence of permissive attitudes towards gender-based violence and that women fear stigmatization when seeking remedies.

34. **The Committee urges the State party to place high priority on implementing a comprehensive approach to address all forms of violence against women, including the effective enforcement and monitoring of legislation on domestic violence. It also urges the State party to raise public awareness through media and education programmes that violence against women, including domestic violence, is unacceptable. The Committee calls upon**

the State party to train the judiciary, law enforcement officials, legal professionals, social workers and health providers on the new Law on Prevention of Domestic Violence and Protection of Victims, and to fully sensitize them to all forms of violence against women so as to ensure that the perpetrators of violence are effectively prosecuted and punished with the required seriousness and speed. It also recommends that legal aid be made available to victims in both urban and rural areas and that required medical certificates be provided free of charge. The Committee further recommends that the State party seek to increase the number of female judges and law enforcement officials as a means to encourage women to report cases of violence. It calls on the State party to establish support measures for victims of domestic violence, including shelters and legal, medical and psychological support. The Committee encourages the State party to make full use of the Committee's general recommendation 19 in its efforts to address violence against women.

35. While noting the value of the cultural heritage of Cambodia, the Committee is concerned about strong gender-role stereotyping, in particular that reflected in the traditional code of conduct known as *chbab srey*, which legitimizes discrimination against women and impedes women's full enjoyment of their human rights and the achievement of equality between men and women in Cambodian society.

36. **The Committee recommends that the State party, together with all relevant sectors of society, undertake a comprehensive assessment of the prevailing traditional code of conduct so as to identify those elements that discriminate against women and are the root causes of women's disadvantaged position in areas such as education, employment and public and political life, and are determining factors in the prevalence of gender-based violence. The Committee requests that the State party refrain from disseminating and teaching those elements of the traditional code of conduct that discriminate against women, and instead undertake every effort to make the Convention and the principle of equality of women and men better known among the general public. It calls on the State party to implement a national campaign and to work actively towards the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention, to increase understanding of the meaning and content of the substantive equality of women and to create awareness that violence against women is an infringement of women's human rights that has grave social costs for the whole community. The Committee requests the State party to provide in its next report the findings of the assessment of the code of conduct, the measures taken in response to those findings and their impact on changing attitudes and stereotypes.**

37. While taking note of the various measures implemented to combat trafficking, including the revision of legislation and the adoption of subregional cross-border agreements, the Committee expresses concern about the lack of enforcement of legislation, the impunity of traffickers and the absence of accurate data on trafficking. The Committee is concerned about the stigmatization of victims of trafficking and the insufficient measures for their rehabilitation and reintegration into the community. It is further concerned that women and girls who have been trafficked may be punished for violation of migration laws and are thus revictimized. The Committee also notes with concern the high prevalence of sexual

exploitation of women and girls and their vulnerability to becoming infected with sexually transmitted diseases and HIV/AIDS.

38. **The Committee urges the State party to intensify its efforts to combat the trafficking and sexual exploitation of women and girls by addressing their root causes and to undertake comprehensive prevention measures, including gender-sensitive poverty reduction strategies, awareness-raising campaigns and provision of alternative means of livelihood. It urges the State party to ensure that those who traffic and sexually exploit women and girls are prosecuted and punished within the full extent of the law. It requests that victims of trafficking not be prosecuted for illegal migration. The Committee urges the State party to implement rehabilitation and reintegration measures for girls and women who are victims of trafficking and sexual exploitation. It recommends that the State party further strengthen bilateral, subregional and multilateral cooperation to combat trafficking. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking of women and girls and on the impact of the various measures undertaken in that regard.**

39. The Committee is further concerned that Cambodian women, especially young women who migrate to neighbouring countries in search of work opportunities, are extremely vulnerable to becoming the victims of various forms of violence, exploitation and trafficking.

40. **The Committee calls on the State party to focus on the causes of women's migration and to develop policies and measures to protect migrant women against exploitation and abuse. The Committee requests the State party to provide information and data on migrant women and their situation in the next periodic report.**

41. While noting the efforts to increase the participation of women in community councils, the Committee expresses concern about the underrepresentation of women at all levels of political and public life, in particular in Parliament, and the low rate of women's participation in elections. The Committee is further concerned about the limited participation of women in the public administration and the judiciary at all levels.

42. **The Committee urges the State party to implement a strategic plan with measures that will result in an increased number of women in elected and appointed office, including the judiciary, and therefore in enhanced compliance with article 7 of the Convention. The Committee recommends the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, as a means to accelerate compliance with the provisions of article 7, together with the establishment of timetables and targets for women's equal participation at all levels of decision-making. It also recommends that the State party conduct training programmes on leadership and negotiation skills for current and future women leaders. It further suggests the implementation of awareness-raising activities about the importance of women's participation in decision-making for society as a whole.**

43. The Committee notes with concern the high illiteracy rates among women, in particular those from rural areas, ethnic minority groups or who are disabled, the large disparity in school enrolment rates for males and females and the high drop-out rates of girls. The Committee is concerned about the related long-term

implications for women's health, their decision-making capabilities and the development of their marketable skills. The Committee is further concerned at the persistence of gender-based segregation in educational fields and its consequences for women's professional opportunities. The Committee is also concerned about persistent stereotypes found in school curricula and textbooks.

44. **The Committee urges the State party to place high priority on the reduction of the illiteracy rate of women, in particular those who are from rural areas, belong to ethnic minority groups or who are disabled. It also urges the State party to immediately take all appropriate measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to eliminate the disparity in school enrolment rates and to achieve universal primary education for girls in accordance with article 10 of the Convention, the strategic objectives and actions of the Beijing Declaration and Platform for Action and Millennium Development Goals 2 and 3. It urges the State party to address effectively the obstacles that prevent girls from continuing their education, such as early and forced marriages. It also recommends the active encouragement of diversification of educational and professional choices for women. It requests the State party to revise educational curricula and textbooks to eliminate gender stereotypes.**

45. The Committee expresses concern about occupational segregation and the concentration of women in the low-wage and unskilled labour sectors. The Committee is particularly concerned about ambiguities in the labour law and that the weak enforcement of labour laws, the absence of sanctions for non-compliance and the lack of effective monitoring mechanisms infringe on women's enjoyment of their rights under article 4, paragraph 2, and article 11 of the Convention, including the right to equal remuneration, maternity leave, social security and protection from sexual harassment. It is also concerned about the possible long-term detrimental impact of the termination of the MultiFibre Agreement on women employed in the garment sector.

46. **The Committee urges the State party to accelerate and ensure equal participation for women and men in the labour market. It further calls for measures to ensure that women receive equal pay for both equal work and work of equal value, and equal social benefits and services. The Committee encourages the State party to spell out clearly its definition of both equal work and work of equal value. It encourages the State party to establish sanctions for discrimination against women in the employment field in both the public and private sectors, including sexual harassment, to create effective enforcement and monitoring mechanisms and to ensure that women have access to means of redress, including legal aid. It encourages the State party to disseminate information about labour legislation among women to make them aware of their rights. It also recommends the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 of the Committee and to accelerate achievement of de facto equality in the area of recruitment, training and promotions according to article 11 of the Convention. The Committee requests the State party to describe in its next periodic report whether the long-term effects of the termination of the MultiFibre Agreement have impacted negatively on women employed in the garment sector and to provide information on measures taken to counteract and minimize any detrimental impact.**

47. The Committee notes that despite the reduction in the rate of maternal mortality, the number nevertheless remains high at 417 deaths per 100,000 live births, owing primarily to lack of access to obstetric emergency services. The Committee is also concerned that only 10 per cent of births takes place in a health facility.

48. **The Committee recommends that the obstacles to accessing obstetric services be monitored and removed and that (a) a strategic plan to reduce maternal mortality and morbidity be put in place through which quality prenatal, post-natal and emergency obstetric services are progressively distributed in all provinces; (b) a proactive referral service be established to facilitate access to obstetric services; (c) benchmarks be set for the reduction of maternal mortality; and (d) the necessary funding be specifically mobilized from all sources.**

49. The Committee expresses concern at the higher levels of poverty among rural women, who constitute the majority of women in the country. While noting the efforts to give preference to households headed by women in land distribution under the Land Law, the Committee is concerned about the overall implementation of the Law. It is also concerned that women lack both awareness about their rights and understanding of the legislation and land registration process. The Committee is particularly concerned about the situation of female heads of household who have lost their livelihoods as a result of the confiscation of land by private companies and are excluded from decision-making processes concerning land distribution.

50. **The Committee urges the State party to pay special attention to the situation of rural women so as to enhance compliance with article 14 of the Convention, to ensure that rural women have access to education, health services and credit facilities and that they participate fully in decision-making processes. The Committee also urges the State party to disseminate information on the Land Law and the land registration process and to take appropriate measures to eliminate all forms of discrimination with respect to the ownership and administration of land by women. It further calls on the State party to place high priority on rural women in its efforts aimed at eradicating poverty.**

51. While taking note of the Marriage and Family Law, the Committee is concerned about the lack of enforcement and an effective monitoring mechanism thereof. The Committee is concerned that traditional and cultural factors are preventing women from exercising the full enjoyment of their rights within the family, in particular the right to enter into marriage with free and full consent, as required under article 16 of the Convention. It is further concerned about the difference in the age at which women and men may enter into marriage.

52. **The Committee urges the State party to widely disseminate information about the Marriage and Family Law and to address the cultural and traditional factors that perpetuate discrimination against women. The Committee urges the State party to raise the minimum age of marriage for women and men to 18 years, in line with article 16 of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

53. The Committee expresses concern that women from ethnic minority groups and disabled women face multiple forms of discrimination with respect to access to

education, employment and health care and are victims of violence. The Committee regrets the lack of information and data in the report about those groups of women.

54. **The Committee calls on the State party to integrate attention to disabled women and women from ethnic minority groups into national policies, plans and programmes as well as to implement specific measures to eliminate discrimination against those groups of women. The Committee requests the State party to provide in its next report data and information on the situation of disabled women and women from ethnic minority groups, including with regard to education, employment and health care.**

55. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

56. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

57. **The Committee also emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention into all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

58. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Cambodia to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

59. **The Committee requests the wide dissemination in Cambodia of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".**

60. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which was due in November 2005, and its fifth periodic report, which is due in November 2009, in a combined report in 2009.**

Eritrea

61. The Committee considered the combined initial, second and third periodic report of Eritrea (CEDAW/C/ERI/1-3 and Corr.1) at its 709th and 710th meetings, on 24 January 2006 (see CEDAW/C/SR.709 and 710). The Committee's list of issues and questions is contained in CEDAW/C/ERI/Q/1-3, and Eritrea's responses are contained in CEDAW/C/ERI/Q/1-3/Add.1.

Introduction

62. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations and expresses its appreciation to the State party for its combined initial, second and third periodic report, while regretting that it was overdue and did not fully comply with the Committee's guidelines for preparation of reports.

63. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the real situation of women in Eritrea, but regrets that the delegation was unable to adequately respond to a number of issues raised and questions posed by the Committee.

Positive aspects

64. The Committee commends the State party for its political will and commitment, expressed in the Constitution and during the constructive dialogue, to the realization of de facto equality for women and the full implementation of the provisions of the Convention, and to further improve on progress achieved so far in some areas.

65. The Committee congratulates the State party on proclamation No. 86/1996 which reserves 30 per cent of seats in regional assemblies for women; proclamation No. 58/1994 which gives every citizen the right to land use without discrimination on the basis of sex; and the Citizenship Act which gives equal citizenship rights to men and women.

Principal areas of concern and recommendations

66. While noting that a law reform project to harmonize Eritrea's laws with its international obligations has been ongoing since 1997, the Committee is concerned that the Convention is not yet part of Eritrean law and thus that its provisions are not enforceable in domestic courts. The Committee is concerned about the State party's assertion that, as a country that follows the dualist approach, in case of conflict between provisions of an international instrument ratified by Eritrea and the provisions of national law, the latter would prevail, which in the Committee's view would mean that the State party would not be complying with its international obligations.

67. **The Committee calls on the State party to take immediate measures to ensure that the Convention and its provisions are incorporated into national law and become fully applicable in the domestic legal system, and to place high priority on completing its law reform in respect of the Civil and Penal Codes.**

68. While welcoming the fact that the Convention has been translated into one of the local languages and disseminated among Eritrean women, the Committee is concerned that the provisions of the Convention are not widely known by judges, lawyers and prosecutors.

69. **The Committee calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. The Committee urges the State party to translate the Convention into other local languages so as to make it widely known among all ethnic groups.**

70. The Committee expresses concern that, while article 7 (2) of the Eritrean Constitution prohibits discrimination against women and prohibits "any act that violates the human rights of women", it does not contain a definition of discrimination in line with article 1 of the Convention.

71. **The Committee urges the State party, as part of its current law reform process, to undertake a comprehensive national dialogue on women's rights to equality and non-discrimination and to enshrine in the Constitution, or other appropriate legislation, a definition of equality and discrimination against women, in line with article 1 of the Convention.**

72. While appreciating the reasons for the State party's designation of the National Union of Eritrean Women, a non-governmental organization with long-term significant experience in advocacy on behalf of Eritrean women, as the national machinery for the advancement of women, the Committee is concerned that this institutional status may limit the authority and influence of the national machinery within the government structure and the accountability of the Government of Eritrea with respect to the implementation of the Convention. The Committee is also concerned that the national machinery does not have a clear mandate and that it is not provided with adequate human and financial resources to carry out its functions effectively in promoting the advancement of women and gender equality.

73. **The Committee invites the State party to fully ensure Government accountability for gender equality and the advancement of women in the implementation of the Convention. In this regard, the Committee refers to the guidance provided in the Beijing Platform for Action on national machinery for the advancement of women. The Committee further recommends that the State party expeditiously strengthen the National Union of Eritrean Women by providing it with a clear mandate for its functions, as regards gender mainstreaming in all policy areas, and with adequate human and financial resources.**

74. While noting the advocacy work carried out by the National Union of Eritrean Women, the Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the role and responsibilities of women and men in society, which are discriminatory to women. The Committee is concerned that the preservation of negative cultural practices and traditional attitudes serve to perpetuate women's subordination in the family and society and constitute serious obstacles to women's enjoyment of their human rights. For example, the Committee is concerned that, while participation in National Service creates eligibility for

access to land and other economic resources, women are exempt from National Service on grounds of marriage, thus losing eligibility for access to land and other resources. It is also concerned about the State party's apparent reluctance to address discriminatory practices firmly through legislation.

75. **The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life and therefore subject to change. It urges the State party to introduce measures, including legislation, without delay to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention, and to ensure that women's rights to non-discrimination and equality set forth in the provisions of the Convention prevail. In particular, it urges the State party to study the extent to which women lose access to land and other resources because of non-participation in National Service through marriage; to educate communities on the discriminatory aspects of early marriage; and to find solutions for women who have already lost or are losing their eligibility for land and other resources owing to early marriage. It further urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling and supportive environment within which to transform and change discriminatory laws, customs and stereotypes and allowing women to exercise their human rights.**

76. The Committee is concerned about the absence of policies and programmes, including legislation, to address violence against women including marital rape. The Committee also expresses its concern about the lack of information and statistics on violence against women in the report.

77. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to combat violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and all forms of sexual abuse. It requests the State party to address the issue of rapists' avoiding prosecution through subsequent marriage to their victims. It calls on the State party to ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and adequately punished. The Committee recommends that training be undertaken for the judiciary and public officials, particularly law enforcement personnel, and for health-service providers so as to ensure that they are sensitized to all forms of violence against women and can adequately respond to it. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with all forms of violence against women and the impact of such measures.**

78. While noting the entrenched cultural underpinning of female genital mutilation and while welcoming the important awareness-raising efforts implemented by the National Union of Eritrean Women towards ending the practice of female genital mutilation, the Committee is concerned at the high incidence of female genital

mutilation in the country and the State party's reluctance to expedite the adoption of legislation aimed at eradicating this practice.

79. **The Committee urges the State party to speedily enact the draft legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and adequately punished and to continue its awareness-raising efforts to change the cultural perceptions connected with female genital mutilation.**

80. While applauding the successful use of the 30 per cent quota for women in the regional assemblies, the Committee is concerned about the low level of representation of women in public and political life and in decision-making positions, including in the foreign service.

81. **The Committee encourages the State party to establish concrete goals and timetables to increase the number of women in political and public life and in decision-making positions. It invites the State party to use the successful example of increasing the number of women in regional assemblies to achieve similar results in other areas, including parliament and the foreign service. The Committee encourages the State party to implement and strengthen training and awareness-raising programmes, and to highlight the importance of women's participation in decision-making at all levels, including the international level.**

82. While noting the efforts made by the State party to improve reproductive health care for women, including through the Safe Motherhood programme, the Committee remains concerned about the limited access to adequate health-care services for women, especially women in rural areas. It is particularly concerned about the maternal mortality rate which is among the highest in the world — an indication of lack of obstetric care — and early pregnancies and deaths due to clandestine abortions.

83. **The Committee recommends that the State party take measures to improve women's access to health care, especially emergency obstetric care and health-related services and information, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It calls on the State party to improve the availability of sexual and reproductive health services, including family planning, also with the aim of preventing early pregnancies and clandestine abortions. It encourages the State party to enhance such services especially for rural women. The Committee requests the State party to provide in its next report detailed information on measures taken to improve women's access to health-related services and information, including in regard to sexual and reproductive health and family planning, and the impact of these measures.**

84. While recognizing the efforts undertaken by the State party aimed at the reconstruction of the country and its socio-economic fabric after the long years of armed conflict as well as recurrent droughts, the Committee is concerned that the widespread poverty among women and the poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against them. The Committee is concerned at the very large number of women heads of household who are particularly vulnerable to poverty.

85. **The Committee urges the State party to make the promotion of gender equality an explicit component of all its national development strategies, policies and programmes, in particular those aimed at poverty alleviation and sustainable development, including its Poverty Reduction Strategy and Food Security Strategy. The Committee also invites the State party to place emphasis on the promotion and protection of women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women. It calls on the State party to pay special attention, and provide targeted support, to women heads of household in all its poverty eradication efforts.**

86. The Committee is especially concerned about the situation of women in rural areas who often lack access to health, education, clean water and sanitation services and means and opportunities for economic survival. In this regard, the Committee regrets that the report did not provide sufficient information on the de facto position of rural women in all sectors, including education, health and employment.

87. **The Committee urges the State party to pay special attention to the needs of rural women and women heads of household, ensuring that they participate in decision-making processes and have access to health, education, clean water and sanitation services and income-generation projects. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural women in all sectors.**

88. While noting that the Transitional Code of Eritrea adopted in 1991 establishes a minimum age at marriage, prohibits forced marriages and establishes a system of equitable division of marital property upon divorce, the Committee is concerned that these laws are not enforced and that discriminatory customary laws and practices continue to be applied. The Committee is also concerned that the Transitional Code's provisions on marriage and family relations do not apply to Muslim marriages and divorces. The Committee expresses its concern that the ongoing law reform process aimed at harmonization and consolidation of Eritrean laws may result in the legal recognition and/or codification of discriminatory laws governing marriage and family relations, in contravention of article 16 of the Convention.

89. **The Committee calls on the State party to ensure full compliance with the provisions of the Transitional Code on marriage and divorce, including enforcement of the minimum age at marriage, prohibition of forced marriages and enforcement of equitable division of marital property upon divorce, and other laws relating to harmful traditional or customary practices that violate women's rights. The Committee recommends that the ongoing law reform process aim at promotion of gender equality, elimination of discrimination against women, especially in family relations, and full compliance with all provisions of the Convention.**

90. While noting that an act for the establishment of a national statistics office is being drafted, the Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention. The Committee is concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

91. **The Committee calls upon the State party to put in place a comprehensive system of data collection and assessment of trends in the situation of women. It**

encourages the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards realization of women's de facto equality. It invites the State party, as necessary, to seek international assistance for the development of such data-collection and analysis efforts and to avail itself of innovative statistical concepts with respect to women's lives. The Committee also requests the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex and by rural and urban areas, indicating the impact of measures and the results achieved in the practical realization of women's de facto equality.

92. **The Committee recommends that the State party avail itself of technical and financial assistance from the international community as indicated in the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly, in order to facilitate implementation of the Convention.**

93. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

94. **The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to consult with other non-governmental organizations in addition to the National Union of Eritrean Women during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.**

95. **The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

96. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

97. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Eritrea to consider ratifying the treaties to which it is not yet a party, namely, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

98. **The Committee requests the wide dissemination in Eritrea of the present concluding comments in order to make the people of Eritrea, including government officials, politicians, parliamentarians and women's and human-rights organizations, aware of the steps that have been taken to ensure de jure**

and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human-rights organizations, the Convention, the Optional Protocol thereto, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

99. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its fourth periodic report under article 18 of the Convention, which is due in October 2008.**

The former Yugoslav Republic of Macedonia

100. The Committee considered the combined initial, second and third periodic report of the former Yugoslav Republic of Macedonia (CEDAW/C/MKD/1-3) at its 713th and 714th meetings on 25 January 2006 (see CEDAW/C/SR.713 and 714). The Committee's list of issues and questions is contained in CEDAW/C/MKD/Q/1-3 and the responses of the former Yugoslav Republic of Macedonia are contained in CEDAW/C/MKD/Q/1-3/Add.1.

Introduction

101. The Committee commends the State party for ratifying the Convention without reservations and expresses its appreciation to the State party for its combined initial, second and third periodic report, which followed the Committee's guidelines for the preparation of reports, while regretting that it was overdue. It also commends the State party for the responses to the list of issues and questions posed by the Committee's pre-session working group and for the oral presentation and responses to the questions posed orally by the Committee.

102. The Committee commends the State party for its high-level delegation, headed by the Minister for Labour and Social Policy, which included representatives of other ministries with responsibility for implementation of measures in the areas covered by the Convention, as well as a member of the Parliament. The Committee expresses its appreciation for the open and constructive dialogue that took place between the delegation and the members of the Committee.

103. The Committee commends the State party for having ratified the Optional Protocol in October 2003.

Positive aspects

104. The Committee congratulates the State party for having amended, in 2002 and 2004 respectively, the Law on Election of Members of Parliament and the Law on Local Elections, in order to ensure that both sexes are represented with a quota of at least 30 per cent in the list of nominated candidates for elections to the Parliament, the municipal councils or the Council of the City of Skopje.

105. The Committee notes with appreciation that the State party has embarked on a process of revision of national laws, such as the Labour Law, the Criminal Code and the Family Code.

106. The Committee welcomes the establishment of a number of gender equality committees at the local level, aimed at mainstreaming gender perspectives into local policies.

107. The Committee also welcomes the progress made to combat human trafficking, such as the creation, in 2001, of the National Commission to Combat Human Trafficking and Illegal Migration; the inclusion, in 2002, of trafficking as an offence in the Criminal Code; the adoption, in 2005, of the Law on Witness Protection; and the elaboration of the National Programme to Combat Human Trafficking and Illegal Migration for 2006-2008.

Principal areas of concern and recommendations

108. The Committee expresses concern that the legislation of the State party does not contain either a definition of discrimination against women, in accordance with article 1 of the Convention, or the principle of equality of men and women, in line with article 2 (a) of the Convention.

109. **The Committee encourages the State party to incorporate in its Constitution or other appropriate national legislation, such as the Law on Equal Opportunities for Men and Women, the definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, and the provisions on the equal rights of women and men in line with article 2 (a) of the Convention.**

110. While noting with satisfaction that the provisions of the Convention are applicable in the courts of the former Yugoslav Republic of Macedonia, the Committee is concerned that no cases related to gender-based discrimination under the Convention have been brought before the courts.

111. **The Committee calls upon the State party to enhance training for lawyers and judges on the Convention and on the communications and inquiry procedures provided in the Optional Protocol to the Convention. It also requests the State party to raise the awareness of women about their rights under the Convention and to build the capacity of women to claim their rights under the existing institutions.**

112. While welcoming the work undertaken by the State party towards the adoption of the Law on Equal Opportunities for Men and Women and the statement of the delegation that it will address gender-based discrimination in a comprehensive manner, the Committee remains concerned that this Law seems to focus primarily on gender-based discrimination in the field of employment and work.

113. **The Committee recommends that the State party ensure that the scope of the Law on Equal Opportunities for Men and Women address gender-based discrimination comprehensively in the political, economic, social, cultural, civil or other fields, in line with the Convention. It urges the State party to promptly adopt and effectively implement that Law.**

114. While noting the establishment of the Unit for the Promotion of Gender Equality within the Ministry of Labour and Social Policy, and the establishment of a number of local gender equality committees, the Committee expresses concern that the national machinery for the advancement of women may not have sufficient visibility, decision-making power or financial and human resources to promote

effectively the advancement of women and gender equality, and that not all municipalities have created gender equality committees.

115. **The Committee requests the State party to ensure that the national machinery for the advancement of women receives adequate visibility and has sufficient decision-making power and financial and human resources to promote effectively the advancement of women and to accelerate the establishment of local gender equality committees.**

116. The Committee expresses concern that temporary special measures are neither provided in the law nor used by the State party as a policy to accelerate the achievement of the de facto equality between women and men in all areas of the Convention.

117. **The Committee encourages the State party to effectively implement temporary special measures in accordance with article 4, paragraph 1, of the Convention, and with the Committee's general recommendation No. 25, in order to accelerate the realization of women's de facto equality with men in all areas. It also recommends that the State party include in the Law on Equal Opportunities for Men and Women a provision on temporary special measures, in particular with regard to women's participation in decision-making and access to economic opportunities.**

118. The Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life. The Committee is also concerned that women continue to be portrayed in traditional stereotypical roles in the media.

119. **The Committee calls upon the State party to implement comprehensive measures, in particular in rural areas, to bring about change in the widely accepted stereotypical roles of men and women. Such measures should include awareness-raising and educational campaigns addressing women and men, girls and boys, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party encourage the media to project non-stereotypical and positive images of women, and promote the value of gender equality for society as a whole, including through further measures to sensitize members of the press on gender equality issues.**

120. While welcoming the efforts undertaken by the State party to combat human trafficking, the Committee remains concerned about the persistence of trafficking in women and girls and the exploitation of prostitution, and about the lack of measures aimed at rehabilitating women victims of trafficking.

121. **The Committee requests the State party to effectively implement the National Programme to Combat Human Trafficking and Illegal Migration for 2006-2008. It calls upon the State party to ensure that legislation on trafficking is fully enforced, in particular by effectively prosecuting and punishing offenders. It also recommends that the State party increase its efforts to prevent human trafficking and provide assistance and support to women victims. The**

Committee also calls on the State party to take all appropriate measures to suppress the exploitation of prostitution in the country.

122. While welcoming the legislative measures taken to combat violence against women, including the amendment, in 2004, of the Law on Family codifying domestic violence as a separate crime in the Criminal Code, the Committee remains concerned about the high prevalence of violence against women, including domestic violence.

123. **In accordance with its general recommendation No. 19, the Committee urges the State party to give priority to putting in place comprehensive measures to address all forms of violence against women, including domestic violence, recognizing that such violence is a form of discrimination and constitutes a violation of women's human rights under the Convention. The Committee calls upon the State party to further elaborate and effectively implement legislation on violence against women, so as to ensure that perpetrators are effectively prosecuted and punished, and that victims receive adequate protection and assistance. The Committee also calls on the State party to provide shelters for women victims of violence. The Committee recommends that the State party also implement educational and awareness-raising measures that highlight the unacceptability of all forms of violence against women and that it aim such efforts at law enforcement officials, the judiciary, health providers, social workers, community leaders and the general public.**

124. While commending the introduction of the 30 per cent quota for each gender in the Law on Election of Members of Parliament and the Law on Local Elections, the Committee notes with concern that this amendment has not produced the desired results as women continue to be underrepresented in elected bodies. The Committee is also concerned about the underrepresentation of women in appointed bodies and at the international level.

125. **The Committee recommends that the State party carry out awareness-raising campaigns for men and women on the importance of women's participation in political and public life and in decision-making, and that it create enabling, encouraging and supportive conditions for such participation. The Committee also recommends that steps be taken to meet the 30 per cent quota established in the Law on Election of Members of Parliament and the Law on Local Elections. The Committee encourages the State party to step up its efforts to increase women's representation in elected and appointed bodies and at the international level.**

126. The Committee is concerned that rural women, as well as ethnic minority women, particularly Roma and Albanian women, remain in a vulnerable and marginalized situation, in particular with regard to access to education, health, employment and participation in political and public life. The Committee is particularly concerned about the high school dropout rates among Roma girls and girls living in rural areas.

127. **The Committee urges the State party to implement effective measures to eliminate discrimination against rural women, as well as ethnic minority women, in particular Roma and Albanian women, and to enhance their enjoyment of human rights through all available means, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention,**

and general recommendation No. 25 of the Committee. It calls on the State party to implement measures to decrease dropout rates among Roma girls and girls living in rural areas and to reintegrate them into the educational system. The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of rural women, as well as of ethnic minority women, in particular Roma women, in the areas of education, health, employment and participation in political and public life, and of the efforts of the Government to eliminate discrimination against these women. The Committee calls upon the State party to provide information, in its next report, on concrete projects directed at Roma women under the Decade of Roma Inclusion 2005-2015.

128. The Committee notes that women represent 51 per cent of refugees and asylum-seekers in the former Yugoslav Republic of Macedonia. While welcoming the adoption, in 2003, of the Law on Asylum and Temporary Protection, and the fact that it is possible for women seeking asylum or refugee status to file an application separately, the Committee remains concerned that a gender-sensitive approach has not been mainstreamed throughout the process of granting asylum/refugee status.

129. **The Committee recommends that the State Party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status, including in the application stage.**

130. The Committee notes with concern that, although there has been a 20 per cent decrease in the rate of abortions since 1994, abortion continues to be used as a method of birth control. It is also concerned about the limited use of contraceptives.

131. **The Committee recommends that the State party implement programmes and policies aimed at providing effective access for women to contraceptives and health-care information and services, thus avoiding the need for women to resort to abortion as a method of birth control. The Committee urges the State party to implement programmes of sexual and reproductive health education for women, men and adolescents in order to foster responsible sexual behaviour, and to further discourage abortion as a method of birth control.**

132. The Committee remains concerned about the situation of women with regard to employment, their high level of unemployment, and their low participation in the formal labour force, and about the large number of women employed in lower-paying jobs. It is also concerned about the low number of self-employed women and women entrepreneurs.

133. **The Committee urges the State party to fully implement article 11 of the Convention. It calls on the State party to address the impediments that women face with respect to employment and to implement measures to encourage and support women's entrepreneurship, including by providing training and access to credit. It also requests the State party, in its next periodic report, to provide information on the impact of such measures.**

134. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

135. **The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform**

for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

136. **The Committee also emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

137. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of the former Yugoslav Republic of Macedonia to consider ratifying the treaty to which it is not yet a party: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

138. **The Committee requests that the State party widely disseminate the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

139. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in February 2007, and its fifth periodic report, which is due in February 2011, in a combined report in 2011.**

2. Combined initial, second, third, fourth and fifth periodic report

Togo

140. The Committee considered Togo's combined initial, second, third, fourth and fifth periodic report (CEDAW/C/TGO/1-5) at its 703rd and 704th meetings, on 18 January 2006 (see CEDAW/C/SR.703 and 704). The Committee's list of issues and questions is contained in CEDAW/C/TGO/Q/1-5, and Togo's responses are contained in CEDAW/C/TGO/Q/1-5/Add.1.

Introduction

141. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations and expresses its appreciation to the State party for its combined initial, second, third, fourth and fifth periodic report, which followed the Committee's guidelines, while

regretting that it was long overdue. The Committee notes the quality of the report, which gives a clear overview of the situation of women and the obstacles towards equality between men and women. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by its pre-session working group and for the introductory statement and further clarifications provided in response to the questions posed orally by the Committee.

142. The Committee commends the State party for its high-level delegation headed by the Minister for Population, Social Affairs and the Promotion of Women. It expresses its appreciation for the frank and constructive dialogue that took place between the members of the Committee and the delegation, which updated developments in the State party since the submission of its report in 2004, and which further clarified the present status of implementation of the Convention.

Positive aspects

143. The Committee commends the Government for its expressed commitment and political will to eliminate discrimination against women and to adopt measures to ensure the implementation of the Convention. The Committee welcomes the Government's efforts to review its legislation, amend it and draft new legislation to comply with its obligations under the Convention.

144. The Committee notes with appreciation the adoption, in the fields of education and employment, of some temporary special measures in accordance with article 4, paragraph 1, of the Convention and with its general recommendation 25 on temporary special measures, such as the lowering of school fees for girls and the establishment of entry quotas for women in sectors traditionally reserved for men, such as the police, the water and forestry service, and the army.

145. The Committee notes with satisfaction the Government's intention to reform the justice system so as to provide victims of discrimination with more effective redress.

146. The Committee welcomes the State party's stated intention to ratify, as soon as possible, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Principal areas of concern and recommendations

147. While noting that, following ratification, international treaties prevail over national laws, the Committee is concerned that the Convention is not self-executing and that it has not yet been incorporated as part of the law of Togo. The Committee notes that the status of the Convention is not the same as that of other human rights treaties, such as the Convention on the Rights of the Child.

148. **The Committee recommends that the State party take immediate measures to ensure that the Convention becomes fully applicable in the domestic legal system through its full incorporation into the national legal system.**

149. The Committee notes with concern that, though translated into two national languages, the provisions and the obligations of the Convention have not yet been widely disseminated nor are they widely known by judges, lawyers and prosecutors. The Committee is further concerned about the lack of proper understanding of and

respect for women's human rights. It is concerned that women themselves are not aware of their rights and thus lack the capacity to claim them.

150. **The Committee calls on the State party to ensure that the meaning of equality and non-discrimination under the Convention and related domestic legislation be made an integral part of legal education along with the training of judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. It also calls on the State party to disseminate the Convention widely to the general public so as to create awareness of women's human rights. It invites the State party to take measures to enhance women's awareness of their rights through legal literacy so that they can claim all their rights.**

151. While welcoming the current process to review and amend the Personal and Family Code as well as the Penal Code, the Committee is concerned that some of the proposed amendments are discriminatory, such as the legality of polygamy in the Personal and Family Code. The Committee is also concerned that legislative gaps remain in certain areas, such as violence against women.

152. **The Committee urges the State party to accelerate and expand its law review process and to complete a comprehensive law reform that eliminates all discriminatory legislation and closes legislative gaps in the area of equality between women and men. It urges the State party to set up a clear time frame for completion of such a law reform process. The Committee encourages the State party to develop and implement comprehensive educational measures and awareness-raising campaigns on the revised Personal and Family Code and on other laws designed to eliminate discrimination against women so as to achieve full compliance with their provisions.**

153. The Committee is concerned about the persistence of entrenched adverse cultural norms, customs and traditions, including forced and early marriage, the practice of female genital mutilation, ritual bondage, levirate and repudiation, as well as the prevalence of stereotypes concerning women's tasks and roles that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights. The Committee is concerned about the State party's limited efforts to directly address such discriminatory cultural practices and stereotypes and its position that women themselves are primarily responsible for changing their position of disadvantage.

154. **The Committee urges the introduction without delay of measures to modify or eliminate customs and cultural and traditional practices that discriminate against women so as to promote women's full enjoyment of their human rights, in conformity with articles 2 (f), 5 (a), and articles 11, 12 and 16 of the Convention. In particular, the Committee urges the State party to address practices such as forced and early marriages, discriminatory widowhood practices, levirate, bondage and female genital mutilation, which constitute violations of the Convention. It invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, including tribal chiefs, with a view to changing discriminatory social and cultural patterns of conduct and to creating an enabling and supportive environment for women to exercise their human rights. The Committee encourages the State party to implement the necessary efforts in collaboration with civil society**

organizations, women's non-governmental organizations and community leaders. It further calls upon the State party to review periodically the measures taken to assess the impact of those efforts and take appropriate remedial measures, and to report thereon to the Committee in its next report.

155. The Committee regrets that the report did not provide sufficient and recent statistical data and information on the situation of women in all areas covered by the Convention. The Committee is also concerned about the lack of information on the impact of measures taken and results achieved in various areas of the Convention.

156. **The Committee calls upon the State party to put in place a comprehensive system of data collection and assessment of trends on the situation of women. It encourages the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards realization of women's de facto equality. It invites the State party to seek international assistance, if necessary, for the development of such data collection and analysis efforts, including access to innovative concepts with respect to the data relevant for women's lives. The Committee also requests the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex and by rural and urban areas, indicating the impact of measures and the results achieved in the practical realization of the principle of equality of women and men.**

157. The Committee expresses concern about the absence of policies and programmes, including legislation, to address violence against women. The Committee is particularly concerned about occurrences of female genital mutilation, domestic violence, rape, including marital rape, and all forms of sexual abuse of women, and about the persistence of patriarchal attitudes that consider the physical chastisement of family members, including women, acceptable. The Committee further expresses concern about the lack of information and data in the report on the incidence and forms of violence against women.

158. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and on all forms of sexual abuse, including sexual harassment, as soon as possible. Such legislation should ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends the implementation of training for parliamentarians, the judiciary and public officials, particularly law enforcement personnel, and for health-service providers so as to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the establishment of counselling services for victims of violence and the implementation of public awareness-raising campaigns on all forms of violence against women. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence.**

159. While welcoming some recent progress, the Committee expresses concern that the number of women in decision-making positions in political and public life remains low, including in the Parliament, the civil service and the judiciary. It is also concerned at the low representation of women in decision-making positions in the Foreign Service.

160. **The Committee encourages the State party to implement measures to increase the number of women in decision-making positions, in particular at the local level, in Parliament, in political parties, the judiciary and the civil service, including the Foreign Service. It recommends that the State party establish concrete goals and timetables to accelerate women's equal participation in public and political life at all levels. The State party should introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation 25 on temporary special measures, and take into account the Committee's general recommendation 23 on women in political and public life. The Committee urges the State party to implement awareness-raising programmes, including with traditional chiefs, to encourage women to participate in public life. It calls on the State party to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country.**

161. While regretting that the Nationality Code of 1978 has not been brought into line with article 32 of the Constitution of the Fourth Republic granting citizenship of Togo to any child born of a Togolese father or mother, the Committee takes note that this discrimination has been remedied through the draft children's code. The Committee remains concerned that the law relating to nationality precludes a foreign woman spouse from retaining Togolese nationality upon divorce.

162. **The Committee urges the State party to remove all discriminatory laws relating to nationality, in accordance with article 9 of the Convention, and to enact the draft children's code.**

163. The Committee is concerned at the poor educational infrastructure and the insufficient number of schools and qualified teachers, which constitute particular obstacles for the education of girls and young women. The Committee is especially concerned about the extremely high rate of illiteracy among women, which in 1998 stood at 60.5 per cent in rural areas and 27.6 per cent in urban areas. It is very concerned at the high dropout rate of girls owing to pregnancy and early and forced marriage and their low enrolment rates in higher education.

164. **The Committee urges the State party to enhance its compliance with article 10 of the Convention and raise awareness of the importance of education as a human right and basis for the empowerment of women. It encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls' and women's education. It recommends that the State party implement measures to ensure equal access of girls and women to all levels of education, retain girls in school and strengthen the implementation of re-entry policies so that girls return to school after pregnancy. It also recommends that the State party design and implement literacy programmes for women in rural areas. In that regard, the Committee urges the State party to abolish circular No. 8478/MEN-RS which prohibits pregnant schoolgirls or students from attending school. The Committee calls on the State party to make every effort**

to improve the literacy level of girls and women through the adoption of comprehensive programmes, in collaboration with civil society and the support of international organizations, at the formal and non-formal levels and through adult education and training.

165. The Committee expresses concern at the discrimination faced by women in the field of work, as reflected in hiring processes, salary inequality and occupational segregation. The Committee is concerned that insufficient information was provided about women's de facto situation in the formal and informal labour markets. In particular, the Committee lacks a clear picture with regard to women's participation in the labour force in urban and rural areas, their unemployment rates, vertical and horizontal labour force segregation and their ability to benefit from new economic opportunities. In addition, it is not clear whether existing labour legislation is effectively applied in the private sector.

166. **The Committee urges the State party to ensure equal opportunities for, and equal treatment of, women and men in the labour market in accordance with article 11 of the Convention, and the full implementation of the Labour Code of 8 May 1974 by the public and private sectors, including with regard to maternity protection as provided in article 4, paragraph 2 of the Convention. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women can fully benefit from these programmes. It calls on the State party to provide in its next report detailed information about the situation of women in the fields of employment and work, in both the formal and informal sectors, about measures taken and their impact on realizing equal opportunities for women.**

167. The Committee expresses concern about the lack of access by women and girls to adequate health-care services, including prenatal and post-natal care and family planning information, particularly in rural areas. The Committee is also concerned about the alarming rate of teenage pregnancy and multiple pregnancies, which presents a significant obstacle to girls' educational opportunities and economic empowerment. The Committee is especially concerned at the high maternal mortality rates, particularly the number of deaths resulting from induced abortions, early pregnancies, high fertility rates and inadequate family planning services, the low rates of contraceptive use and the lack of sex education, especially in rural areas. The immediate causes of maternal death — haemorrhaging, eclampsia and septicaemia — indicate a lack of access to obstetric services. The Committee is also concerned about trends in HIV/AIDS infection rates of women.

168. **The Committee urges the State party to continue its efforts to improve the country's health infrastructure. It calls on the State party to integrate a gender perspective in all health sector reforms, while also ensuring that women's sexual and reproductive health needs are adequately addressed. In particular, the Committee recommends that the State party undertake appropriate measures to improve women's access to health care and health-related services and information, including access for women who live in rural areas. It calls on the State party to improve the availability of sexual and reproductive health services, including family planning information, to reduce maternal mortality. It also recommends that programmes and policies be adopted to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children.**

The Committee also recommends the implementation of a comprehensive time-bound maternal and infant mortality reduction programme which would also include measures to increase access to obstetric services. It further recommends that sex education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies and the control of sexually transmitted diseases and HIV/AIDS. It also calls on the State party to ensure the effective implementation of its HIV/AIDS law and policies.

169. The Committee is concerned that widespread poverty among women and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against women. The Committee is especially concerned about the situation of rural women, particularly in view of their precarious living conditions and lack of access to justice, health care, education, credit facilities and community services.

170. **The Committee urges the State party to make the promotion of gender equality an explicit component of its national development plans and policies, and in particular those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes and have full access to justice, education, health services and credit facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to the ownership and inheritance of land. The Committee invites the State party to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women, including those impacting women in rural areas, through all available sources of support.**

171. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting of the Committee.**

172. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

173. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

174. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Togo to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

175. **The Committee requests the wide dissemination in Togo of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

176. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next report under article 18 of the Convention. The Committee invites the State party to submit its sixth period report, which was due in October 2004, and its seventh period report, which is due in October 2008, in a combined report in 2008.**

3. Combined second, third, fourth and fifth periodic report

Mali

177. The Committee considered Mali's combined second, third, fourth and fifth periodic report (CEDAW/C/MLI/2-5) at its 717th and 718th meetings, on 31 January 2006 (see CEDAW/C/SR.717 and 718). The Committee's list of issues and questions is contained in CEDAW/C/MLI/Q/2-5, and Mali's responses are contained in CEDAW/C/MLI/Q/2-5/Add.1.

Introduction

178. The Committee expresses its appreciation to the State party for its combined second, third, fourth and fifth periodic report, which, although long overdue, was in compliance with the Committee's guidelines for the preparation of periodic reports and was candid and informative.

179. The Committee commends the State party on its high-level delegation, headed by the Minister for the Advancement of Women, Children and Family and made up of representatives of different ministries with responsibility for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It expresses appreciation to the State party for the oral presentation, which highlighted significant parts of the report, and for the written responses to the list of issues and questions raised by the pre-session working group and the further clarification to the questions orally posed by the Committee.

Positive aspects

180. The Committee notes with appreciation that the report was drafted following a participatory process involving government bodies and consulting civil society organizations. It also notes with appreciation that women's associations and non-governmental organizations participated in developing and drafting the first and second action plans for the implementation of the Beijing Declaration and Platform for Action.

181. The Committee congratulates the State party for acceding to the Optional Protocol to the Convention in December 2000 and for accepting the amendment to article 20, paragraph 1, of the Convention in June 2002, concerning the meeting time of the Committee.

182. The Committee commends the State party for the Political Parties Act, which promotes the participation of women in public life by earmarking a percentage of tax receipts (0.025 per cent) for the public funding of political parties in proportion to the number of women deputies and women councillors elected.

183. The Committee commends the State party for the significant increase in the enrolment of girls in primary schools, from 19 per cent in 1990 to 59.9 per cent in 2004.

Principal areas of concern and recommendations

184. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation.**

185. While the Committee notes with satisfaction that article 116 of the Constitution provides that any treaty to which Mali is a party has precedence over national legislation from the moment that the treaty in question is published, it is concerned about the status of implementation of the Convention. In particular, the Committee is concerned that while the Convention's definition of discrimination against women is directly applicable, national legislation does not provide sanctions for acts of discrimination based on sex nor remedies for violations of the rights to non-discrimination and equality. In this connection, the Committee regrets that the State party was not able to provide the Committee with any examples of the provisions of the Convention being directly invoked in Court in the 21 years since its ratification.

186. **The Committee recommends that a definition of discrimination in line with article 1 of the Convention, provisions on the equal rights of women in line with article 2 (a) of the Convention and sanctions for acts of discrimination based on sex as well as remedies for violations of the rights to non-discrimination against women and gender equality be included in the Constitution or in other appropriate legislation. It recommends the intensification of campaigns to raise awareness about the Convention aimed at the general public and especially at public officials, the judiciary and the legal profession. The Committee calls on the State party to ensure that the Convention becomes an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, in order that a legal culture supportive of equality and non-discrimination may be firmly established in the country.**

187. The Committee is concerned about the lack of progress in revising discriminatory legislation. In particular, it expresses concern that proposed revisions of the Citizenship Code and Marriage and Guardianship Code (in the draft Personal and Family Code) and legislation on the issue of State- and privately-owned land have not been completed, thus allowing for the persistence of discriminatory provisions that deny women equal rights with men concerning issues related to the transmission of nationality, marriage and family relations and access to land. Such discriminatory provisions include: a younger marriageable age for women (15 years old) than for men (18 years old); termination of maintenance support awarded to an ex-wife on grounds of immoral behaviour; in the event of divorce, restitution to the husband of benefits given to his wife and limitations on the exercise of parental authority by a surviving mother; and discrimination against women concerning their customary land rights. The Committee also expresses concern that the proposed law reform in the area of marriage and family relations is not sufficiently comprehensive in that it does not include the abolition of polygamy or abandonment of the notion that men are the head of the household.

188. **The Committee urges the State party to place high priority on implementing legislative reforms and, in particular, to complete the process needed to adopt the draft Personal and Family Code in the first quarter of 2006, as orally indicated to the Committee, in order to promptly bring the relevant provisions into line with articles 1, 2, 9 and 16 of the Convention. The Committee urges the State party to put in effect measures to discourage polygamy and to ensure that spouses have the same rights and responsibilities both during marriage and in the event of its dissolution. The Committee calls upon the State party to increase its efforts to sensitize public opinion regarding the importance of these reforms in order to achieve full compliance with their provisions.**

189. The Committee is concerned about the State party's lack of clarity about the difference between temporary special measures that are aimed at accelerating de facto, substantive equality of women, as called for under article 4, paragraph 1, of the Convention, and general social policies that are adopted to implement the Convention.

190. **The Committee recommends that the State party take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all sectors to ensure that women enjoy de facto equality with men.**

191. The Committee is concerned that, although women's access to justice is provided for by law, their ability in practice to exercise this right and to bring cases of discrimination before the courts is limited by factors such as legal costs, lack of information on their rights and lack of assistance in pursuing their rights.

192. **The Committee requests the State party to remove impediments women may face in gaining access to justice. The Committee urges the State party to provide legal aid services, and sensitization about how to utilize available legal remedies against discrimination, as well as to monitor the results of such efforts.**

193. The Committee is concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes and the persistence of deep-rooted adverse

cultural norms, customs and traditions, including forced and early marriage, humiliating and degrading widowhood practices, force-feeding, levirate and sororate, that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights.

194. **The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life subject, therefore, to change. It urges the intensification of measures to change stereotypical attitudes and modify or eliminate customs and cultural and traditional practices that are harmful and discriminate against women so as to promote women's full enjoyment of their human rights in conformity with articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake such efforts in collaboration with civil society organizations, women's non-governmental organizations and community leaders and to increase its efforts to implement comprehensive education and awareness-raising programmes targeting boys and girls and women and men at all levels of society, with a view to changing discriminatory social and cultural patterns of conduct about the roles and responsibilities of women and men in the family and in society. The Committee urges the State party to more vigorously address harmful cultural and traditional customs and practices, such as forced and early marriages, discriminatory widowhood practices, levirate, sororate and the use of the dowry, through effective measures aimed at their elimination, including through the conduct of national campaigns. It further calls upon the State party to periodically review the measures taken to assess their impact and to take appropriate remedial measures and to report thereon to the Committee in its next report.**

195. The Committee is concerned about the prevalence of violence against women and girls, including domestic violence, which appears to be tolerated by society. The Committee is also concerned about the legislative gaps in this area, including the lack of specific legislation on domestic violence, including marital rape, and specific legislation to address sexual harassment.

196. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, sexual harassment and on all forms of sexual abuse, including sexual harassment, as soon as possible. Such legislation should ensure that: violence against women and girls constitutes a criminal offence; women and girls who are victims of violence have access to immediate means of redress and protection; and perpetrators are prosecuted and adequately punished. The Committee recommends the implementation of training for parliamentarians, the judiciary and public officials, in particular law enforcement personnel, and health-service providers so as to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the establishment of counselling services for victims of violence and the organization of public awareness-raising campaigns on all forms of violence against women.**

197. The Committee is concerned about the exploitation of prostitutes, the lack of information about the efforts to combat this phenomenon and the lack of

information about the extent of trafficking in women and measures taken to address this issue.

198. **The Committee urges the State party to: pursue a holistic approach in order to provide women and girls with educational and economic alternatives to prostitution; facilitate the reintegration of prostitutes into society; and provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution. The Committee requests that the State party provide information on measures taken to combat this phenomenon in its next report. It requests the State party to provide detailed information on trafficking in women and measures taken, including legislation, to prevent trafficking, protect victims and punish traffickers, as well as on the impact of such measures.**

199. While welcoming the establishment, in 2002, of the national programme to eradicate the practice of excision and other measures, including the prohibition of female genital mutilation from being carried out at health facilities, the training of personnel in the harmful effects of female genital mutilation and the retraining of the women who perform excisions, the Committee is concerned at the high incidence of this harmful traditional practice and the State party's reluctance to expedite the adoption of legislation aimed at eradicating this violation of a woman's human rights.

200. **The Committee urges the State party to speedily enact legislation prohibiting excision and all forms of female genital mutilation to ensure that offenders are adequately prosecuted and adequately punished. It also recommends that the State party increase its efforts and develop a plan of action, including public awareness-raising campaigns, targeted at both women and men, with the support of civil society, to eliminate the practice of female genital mutilation.**

201. The Committee expresses concern at how few women are represented in the National Assembly, in Government and at high levels of the administration. It is also concerned that even fewer women are mayors and municipal counsellors and that women are underrepresented in the foreign service.

202. **The Committee recommends that the State party undertake measures to progressively increase the number of women in decision-making positions, in accordance with its general recommendation 23 on women in political and public life and in the foreign service. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, and establish concrete goals and timetables to accelerate women's equal participation in public and political life. The Committee urges the State party to implement training programmes to encourage women to participate in public life. It also calls on the State party to implement awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country.**

203. While acknowledging the significant progress in the area of education, the Committee is concerned that there is still a gap between males and females in the educational system and by the low rate of female literacy. The Committee is also

concerned that the success rate for girls is lower than it is for boys, that girls are more likely to drop out due to early pregnancies and that only a small proportion of teachers are women. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious obstacles to their full enjoyment of their human rights.

204. **The Committee urges the State party to raise awareness about the importance of education as a fundamental human right and as a basis for the empowerment of women and to take steps to overcome traditional attitudes that constitute obstacles in this area. It also recommends that the State party prioritize efforts to improve the literacy level of girls and women and ensure equal access of girls and young women to all levels of education. The Committee further urges the State party to take measures to increase the enrolment of girls at all levels and recommends the introduction of further temporary special measures, in accordance with general recommendation 25, including incentives for parents to send girls to school.**

205. The Committee expresses concern at the discrimination faced by women in employment, as reflected in hiring processes, the wage gap and occupational segregation. The Committee is concerned about the difficulties that women face in attempting to engage in viable economic activity in the formal sector, forcing them to work in the informal sector instead. It is also concerned about the vulnerability of young girls who migrate as domestics to urban areas and are subject to exploitation by their employers, including sexual abuse, as well as about the low wages or non-payment of wages for their work.

206. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market in accordance with article 11 of the Convention. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender-sensitive and that women can fully benefit from these programmes. It recommends that the State party pass protective legislation regarding young women domestic workers and adequately punish abusive employers. The Committee calls on the State party to provide, in its next report, detailed information about the situation of women in the field of employment, in both the formal and informal sectors, about measures taken and their impact on realizing equal opportunities for women.**

207. The Committee is concerned that no specific measures have been taken to ensure that women with disabilities are not subject to discrimination, especially in the areas of education, employment, access to health care, violence and access to justice.

208. **The Committee recommends that the State party take appropriate measures, including legislation, to ensure that disabled women are not subject to any form of discrimination.**

209. While noting the considerable efforts made by the State party in the area of antenatal, postpartum and obstetric care, including the ten-year health and social development plan (1997), the Committee is concerned about the high maternal and infant mortality and morbidity, resulting from, inter alia, lack of appropriate care as well as lack of utilization of existing services during pregnancy and childbirth, the

limited access to adequate sexual and reproductive health services for women, especially women in rural areas, female genital mutilation, the low level of education, early marriage and unsafe abortions. The Committee is concerned about the unmet demand for family planning services and the low level of contraceptive use. The Committee is also concerned at the scant information provided about women and HIV/AIDS.

210. **The Committee recommends that the State party intensify its efforts to take holistic, intersectoral measures to improve women's access to a wide range of health-care services, especially to emergency obstetric care and health-related services, and to information, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It calls upon the State party to improve the availability of sexual and reproductive health services, including family planning, also with the aim of preventing early pregnancies and clandestine abortions. It encourages the State party to enhance such services, especially for rural women. The Committee further urges the State party to study the behavioural patterns of communities, and of women in particular, that inhibit their utilization of existing services and to take appropriate action. The Committee requests the State party to provide, in its next report, detailed statistical and analytical information on the results of measures taken to improve women's access to health-related services and information, including in regard to sexual and reproductive health and family planning, and the impact of these measures. It also calls on the State party to ensure the effective implementation of its HIV/AIDS strategies and to provide detailed statistical and analytical information about women and HIV/AIDS in its next periodic report.**

211. The Committee is especially concerned about the precarious situation of women in rural areas, who often lack access to adequate health services, access to education, clean water and sanitation services, access to justice and access to credit facilities. The Committee is further concerned about the harmful, traditional practices, such as forced and early marriages, levirate and sororate marriages. The Committee expresses its particular concern about the negative influences of customs, especially with regard to land access and inheritance, as well as the attribution of non-fertile land to women, which adversely affects their advancement.

212. **The Committee urges the State party to pay special attention to the needs of rural women and women heads of household, ensuring that they participate in decision-making processes and have access to health, education, clean water and sanitation services, fertile land and income-generation projects. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against rural women with respect to ownership and inheritance as well as with respect to forced and early marriages and levirate and sororate marriages. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural women.**

213. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State Party to include information thereon in its next periodic report.**

214. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals (MDGs). It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of MDGs and requests the State party to include information thereon in its next periodic report.**

215. **The Committee commends the State party for having ratified the seven major international human rights instruments.[1] The Committee notes that the State party's adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

216. **The Committee requests the wide dissemination in Mali of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

217. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which is due in October 2006, and its seventh periodic report, which is due in October 2010, in a combined report in 2010.**

4. Combined fourth and fifth periodic reports

Australia

218. The Committee considered the combined fourth and fifth periodic report of Australia (CEDAW/C/AUL/4-5) at its 715th and 716th meetings, on 30 January 2006 (see CEDAW/C/SR.715 and 716). The Committee's list of issues and questions is contained in CEDAW/C/AUL/Q/4-5, and Australia's responses are contained in CEDAW/C/AUL/Q/4-5/Add.1.

Introduction

219. The Committee expresses its appreciation to the State party for its combined fourth and fifth periodic report (CEDAW/C/AUL/4-5), covering the efforts of the State party at the Commonwealth, state and territory levels in implementing the Convention. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the Committee's pre-session working group and for the oral presentation and responses to the questions posed orally by the Committee.

220. The Committee expresses its appreciation for the constructive dialogue that took place between the delegation and the members of the Committee.

221. The Committee notes that Australia maintains its reservations to article 11, paragraph 2, of the Convention and in relation to women's employment in combat units.

222. The Committee notes with appreciation that the State party has accepted the amendment to article 20, paragraph 1, of the Convention concerning the extension of the Committee's meeting time.

Positive aspects

223. The Committee notes with satisfaction the wide range of legislative and other measures taken and the existence of strong monitoring institutions to advance the status of women since the submission of the last report and appreciates the priority accorded to women's human rights in the State party.

224. The Committee notes with satisfaction the introduction of the maternity payment in 2004 and the legislative and policy measures to combat violence against women. The Committee welcomes the increased participation of women in political and public life.

225. The Committee congratulates the State party for its high ranking in international surveys assessing gender-related progress and achievements at the national level, and notes in particular that the *2005 Human Development Report* ranked Australia second in the world in its Gender Related Index.

Principal areas of concern and recommendations

226. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

227. Noting that the federal Government, under its "external affairs" jurisdiction, has power to legislate for the implementation of treaty obligations in all states and territories, and noting that states and territories have jurisdiction over certain areas covered in the Convention, the Committee is concerned that there are inadequate structures and mechanisms to ensure effective coordination and consistent application of the Convention in all states and territories.

228. **The Committee recommends that the State party promote and guarantee the implementation of the Convention throughout the country, including through its power to legislate for implementation of treaty obligations in all states and territories. The Committee recommends increased attention in existing consultative forums and other mechanisms of control and partnership to the consistent implementation of the Convention in all states and territories.**

229. While noting the existence of national legislation to prohibit sex discrimination at federal, state and territory levels, the Committee expresses concern about the status of the Convention at these levels and the absence of an entrenched

guarantee prohibiting discrimination against women and providing for the principle of equality between women and men.

230. **The Committee urges the State party to ensure that all states and territories are in full compliance with the obligations under the Convention and to take steps to entrench the prohibition of discrimination against women and the principle of equality of women and men in line with article 2, subparagraph (a), of the Convention. The Committee further recommends that the State party undertake awareness and training programmes on the Convention for the judiciary, law enforcement officials, members of the legal profession and the public.**

231. The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.

232. **The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.**

233. While noting that the Sex Discrimination Act allows for the adoption of special measures to ensure equality of opportunity or in order to meet the special needs of women, the Committee is concerned that the State party does not support the adoption of targets or quotas to promote greater participation of women, particularly indigenous women and women belonging to ethnic minorities, in decision-making bodies.

234. **The Committee recommends that the State party fully utilize the Sex Discrimination Act and consider the adoption of quotas and targets, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to further increase the number of women in political and public life and to ensure that the representation of women in political and public bodies reflect the full diversity of the population, particularly indigenous women and women belonging to ethnic minorities.**

235. While noting the efforts of the State party to address violence against women at all levels of authority, the Committee remains concerned about the continuing prevalence of violence against women, as well as by the low rates of reporting, prosecutions and convictions in sexual assault cases. It is concerned that laws that protect victims of violence and require perpetrators of domestic violence to leave the family home are not regularly enforced. It is also concerned about the high levels of violence against women, particularly domestic violence, in indigenous, refugee and migrant communities.

236. **The Committee calls on the State party to take steps to fully and consistently implement and enforce laws on violence against women and to ensure that all women victims of violence, including indigenous, refugee and migrant women, are able to benefit from the legislative framework and support**

systems in place. It calls upon the State party to ensure that all violence against women is effectively prosecuted and adequately punished. It requests that adequate statistics be collected in a consistent manner. It requests that the State party provide information in its next report on the number of cases of violence reported to the police and other relevant authorities, and on the number of convictions. It further recommends that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee calls upon the State party to create public awareness of violence against women as an infringement of women's human rights that has grave social and financial costs for the whole community.

237. The Committee is concerned about the lack of a comprehensive approach to combat trafficking and exploitation resulting from prostitution. It is particularly concerned about the absence of effective strategies and programmes to prevent women from entering into prostitution, address the demand for prostitution and support women who wish to discontinue their lives in prostitution. It is further concerned about the low rates of prosecutions and convictions of traffickers and the lack of support and protection offered to victims who do not cooperate in the investigation and prosecution of traffickers.

238. **The Committee recommends the formulation of a comprehensive strategy to combat the trafficking of women and exploitation resulting from prostitution, which should include the development of strategies to discourage the demand for prostitution, prevent women from entering prostitution and establish programmes of rehabilitation and support for women and girls who wish to discontinue their lives in prostitution. The State party should pursue the effective prosecution and punishment of traffickers and other offenders who exploit women on prostitution. The Committee encourages the State party to examine and adopt international good practices in combating trafficking. The Committee further urges the State party to consider the extension of temporary protection visas and reintegration and support services to all victims of trafficking, including those who are unable or unwilling to cooperate in the investigation and prosecution of traffickers.**

239. While appreciating the changes adopted by the State party in relation to detention of refugee women and their families, the Committee is nonetheless concerned about the disproportionately adverse gender-specific dimensions and impact of laws and policy on refugees and asylum-seekers. It is particularly concerned that persons on temporary protection visas are denied the right to family reunion for up to five years, which may impose particular hardships on women. The Committee is also concerned that women who are in the country on their partners' protection visa face legal and procedural impediments in lodging a separate application for a protection visa in the event of domestic violence.

240. **The Committee recommends that the State party review and monitor its law and policy on refugees and asylum-seekers, with a view to taking remedial measures to ameliorate any adverse impact on women. It encourages the State party to remove the current restrictions on women on temporary protection visas and to revisit the provisions of the Migration Legislation Amendment Act so that women who seek asylum and refugee protection can be considered individually in situations of domestic violence.**

241. While welcoming the introduction of the maternity payment in 2004 and the existence of paid maternity leave for female government employees in some states and territories as well as some paid maternity leave schemes in private sector employment, the Committee remains concerned about the lack of uniformity in work-related paid maternity leave schemes. It is also concerned that there is no national system of paid maternity leave and that, as a consequence, the State party continues to maintain its reservation to article 11, paragraph 2, of the Convention.

242. **The Committee urges the State party to take further appropriate measures to introduce maternity leave with pay or with comparable social benefits. It also recommends that the State party evaluate its maternity payment introduced in 2004 in the light of article 11, paragraph 2 (b), of the Convention and to expedite the steps necessary for the withdrawal of its reservation to this article.**

243. The Committee is concerned that although the rate of bulk billing for health services is increasing, there is still a disparity in the application of this principle in the rural areas and that, consequently, rural women may face difficulties in accessing health services. The Committee is also concerned that there is no information on how the State party is addressing specific health needs of different groups of women in accordance with risk factors on the basis of biology and social conditioning. The Committee is further concerned that the health needs of disabled women are inadequately met due to the lack of special equipment and other infrastructure.

244. **The Committee recommends that the State party monitor bulk billing for health services, particularly in the rural areas, and take necessary action to ensure that it is fully applied. The Committee recommends that the State party take account of general recommendation 24 on health and develop full competence to address the health needs of women in accordance with their specific risk factors. The Committee also recommends that the State party develop the necessary infrastructure to ensure that disabled women have access to all health services.**

245. The Committee expresses concern that immigrant, refugee and minority women and girls, based on their ethnic background, may be subject to multiple forms of discrimination with respect to education, health, employment and political participation. It is also concerned that women belonging to these groups seem to be particularly vulnerable to violence.

246. **The Committee urges the State party to take more effective measures to eliminate discrimination against refugee, migrant and minority women and girls and to strengthen its efforts to combat and eliminate xenophobia and racism in Australia, particularly its impact on women and girls. It also encourages the State party to be more proactive in its measures to prevent and eliminate discrimination against these women and girls within their communities and in society at large and to report on the steps taken in this regard in its next report.**

247. The Committee is concerned about the ongoing inequalities suffered by Aboriginal and Torres Strait Islander women, whose enjoyment of human rights remains unsatisfactory in many areas, particularly with regard to employment, education, health and political participation. The Committee is particularly

concerned about the lower life expectancy among indigenous women. It is also concerned about the disproportionately large number of indigenous women in prisons.

248. **The Committee recommends that the State party adopt and implement targeted measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, to improve indigenous women's enjoyment of their human rights in all sectors, taking into account their linguistic and cultural interests. It recommends that the State party increase indigenous women's access and awareness of the availability of targeted social services in all sectors. It further recommends that the State party take steps to increase indigenous women's legal literacy and improve their access to remedies for claims of discrimination. The Committee urges the State party to examine the reasons for the high rate of incarceration of indigenous women and take steps to address its root causes. It calls on the State party to continue to review and monitor the fulfilment of the provisions of the Convention in respect of indigenous women in all sectors and provide in its next report specific and analytical information and disaggregated data on these issues.**

249. **The Committee recommends that the State party increase its funding to non-governmental organizations involved in the provision of services for the promotion of women's rights, including those working in the area of trafficking.**

250. **The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

251. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

252. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals (MDGs). It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of MDGs and requests the State party to include information thereon in its next periodic report.**

253. **The Committee notes that States' adherence to the seven major international human rights instruments**[1] **enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Australia to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

254. **The Committee requests the wide dissemination in Australia of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the**

Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

255. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which was due in 2004, and its seventh periodic report, due in 2008, in a combined report in 2008.**

Thailand

256. The Committee considered Thailand's combined fourth and fifth periodic report (CEDAW/C/THA/4-5) at its 707th and 708th meetings, on 20 January 2006 (see CEDAW/C/SR.707 and 708). The Committee's list of issues and questions is contained in CEDAW/C/THA/Q/4-5 and Thailand's responses are contained in CEDAW/C/THA/Q/4-5/Add.1.

Introduction

257. The Committee commends the State party for its combined fourth and fifth periodic report, which followed the Committee's guidelines for the preparation of reports. It also commends the State party for the responses to the list of issues and questions posed by the Committee's pre-session working group and for the frank oral presentation that provided additional information on the implementation of the Convention.

258. The Committee commends the State party for its high-level delegation, headed by the Minister for Social Development and Human Security, and composed of representatives of different departments with expertise in a broad range of areas covered by the Convention. The Committee appreciates the openness and seriousness of the constructive dialogue that took place between the delegation and the members of the Committee.

259. The Committee commends the State party for having ratified the Optional Protocol to the Convention in 2000.

Positive aspects

260. The Committee congratulates the State party for the measures carried out to combat trafficking in women and girls. It particularly welcomes the formulation of the National Policy and Plan on the Prevention and Suppression of Domestic and International Trafficking in Children and Women, and the establishment of the Operation Centre on Human Trafficking under the Ministry of Social Development and Human Security and the National Committee to Prevent and Suppress Human Trafficking.

261. The Committee welcomes the amendment to the Name Act in 2005 that grants married women the right to choose a family name.

262. The Committee also welcomes the assignment in every ministry and department of a high-ranking official as Chief Gender Equality Officer and the appointment of the Gender Focal Point to promote gender equality.

263. The Committee commends the State party for having established an ombudsman as a mechanism to safeguard human rights.

264. The Committee also commends the State party for the adoption of temporary special measures to achieve gender balance in the composition of the National Human Rights Commission and the Village and Urban Fund Committee.

Principal areas of concern and recommendations

265. **Recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention according to its objectives and principles, in the Committee's view, the concerns and recommendations identified in the present concluding comments require priority attention of the State party from the present time until the submission of its next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation.**

266. The Committee remains concerned that the State party continues to retain its reservation to article 16 of the Convention. The Committee draws the attention of the State party to the fact that reservations to article 16 are contrary to the object and purpose of the Convention.

267. **The Committee urges the State party to expedite its efforts towards the withdrawal of its reservation to article 16 of the Convention within a concrete time frame.**

268. The Committee is concerned that not all discriminatory laws have been amended to ensure that the Convention and its provisions become fully applicable in the domestic legal system.

269. **The Committee recommends that the State party systematically review all legislation so as to achieve full compliance with the provisions of the Convention. The Committee points out that it is the obligation of the State party to ensure that the Convention becomes fully applicable in the domestic legal system.**

270. The Committee is concerned that, although article 30 of the Constitution guarantees equal rights for women and men, there is no explicit definition of discrimination against women, in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation.

271. **The Committee encourages the State party to incorporate in its Constitution or the Gender Equality Bill currently being drafted the full definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention. It also calls on the State party to provide training for lawyers, judges and law enforcement officers on the Convention and the procedures under its Optional Protocol and to develop the capacity of women to claim their rights.**

272. While appreciating that the total budget allocation of the Office of Women's Affairs and Family Development has constantly been increased since 2003, the Committee is concerned that the relocation of the national machinery for the

advancement of women from the Office of the Permanent Secretary to the Ministry of Social Development and Human Security may undermine the authority of the national machinery to carry out its gender mainstreaming efforts and coordination across all sectors.

273. **The Committee calls on the State party to undertake an in-depth evaluation of the national machinery for the advancement of women in order to assess whether the reform resulted in its reduced effectiveness, as well as an evaluation of all other institutional mechanisms, such as the gender focal points, the gender equality master plan and the civil service policy guidelines on gender equality. Based on this evaluation, the State party is called upon to make the necessary adjustments in order to ensure a strong institutional mechanism for the promotion of gender equality.**

274. The Committee expresses concern that discriminatory provisions still exist in Family Law, especially in relation to betrothal, marriage and divorce. In this regard, the Committee notes with concern that a betrothed man, unlike a woman, may claim compensation from any man who has either sexual intercourse or who has raped or attempted to rape his betrothed. With regard to marriage, the Committee notes with concern that a man who has sexual relations with a girl over the age of 13 but under the age of 15, with her consent or that of her parents, could marry her without being prosecuted. With regard to divorce, the Committee is concerned that whereas adultery committed by the wife constitutes grounds for divorce, a married man may have sexual intercourse with other women, but his legal wife can file a divorce only if it can be proven that her husband supports and honours another woman as his wife. The Committee is also concerned that the 310-day waiting period for a woman to remarry puts an unnecessary restriction on her rights.

275. **The Committee urges the State party to accelerate its reform of the Family Law in order to eliminate all discriminatory provisions, particularly in relation to betrothal, marriage and divorce, so that women and men can enjoy the same legal rights and obligations.**

276. The Committee expresses concern that although the 1997 Constitution allows for preferential treatment of certain groups, no provision is contained in laws and regulations for temporary special measures aimed at accelerating the de facto equality of women. As a result, no such measures are being adopted to increase women's participation in decision-making bodies on an equal basis with men, except in the selection of commissioners for the National Human Rights Commission and members of the Village and Urban Fund Committee.

277. **The Committee encourages the State party to expeditiously introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, to accelerate the realization of women's de facto equality with men in all areas. It also recommends that the State party include provisions for temporary special measures in the Gender Equality Bill, in particular with regard to women's participation in decision-making and access to economic opportunities.**

278. The Committee continues to be concerned about the prevalence of violence against women and girls. While welcoming the "draft Act on the Prevention and Resolution of Domestic Violence", the Committee is concerned about the inadequacy of the punishment for perpetrators set out therein. The Committee also

notes with concern that the "draft Act" focuses on reconciliation and family unity to the detriment of the right of women to live free from violence. The Committee is furthermore concerned that the definition of rape in section 276 of the Penal Code is limited to sexual intercourse between a man and a woman who is not his wife, thus allowing a husband to rape his wife with impunity.

279. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation No. 19 on violence against women and the United Nations Declaration on Violence against Women. The Committee encourages the State party to proceed expeditiously with the completion and enactment of the "draft Act on the Prevention and Resolution of Domestic Violence" and to ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are effectively prosecuted and punished. The Committee also calls upon the State party to amend the definition of rape in the Penal Code by deleting the exemption for marital rape so as to make it a criminal offence. The Committee recommends gender-sensitivity training for law enforcement personnel, the judiciary, health service providers and teachers to ensure that they are sensitized to all forms of violence against women and can respond adequately to it. The Committee also calls on the State party to take measures towards modifying those social, cultural and traditional attitudes that are permissive of violence against women.**

280. The Committee expresses concern at the persistence of strong stereotypical attitudes about the roles and responsibilities of women and men in the family and in society. Such stereotypes undermine women's social status, present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life.

281. **The Committee encourages the State party to design and implement comprehensive awareness-raising programmes to foster a better understanding of and support for equality between women and men at all levels of society, in accordance with articles 2 (f) and 5 (a) of the Convention. Such efforts should aim at changing stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family and society and at strengthening societal support for gender equality. The Committee also recommends that the existing programmes of the Ministry of Justice to promote the rights and liberties of people be utilized to promote women's right to equality.**

282. While welcoming the legislative and policy measures undertaken to combat human trafficking, the Committee remains concerned about the persistence of trafficking and exploitation of women and girls in the country. It is also concerned about the continuing phenomenon of sex tourism in the country.

283. **The Committee calls upon the State party to expedite the adoption of the draft Prevention and Suppression of Human Trafficking Act and to ensure that offenders are punished and victims adequately assisted. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, as well as measures for the**

rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. The Committee also calls upon the State party to implement measures aimed at combating sex tourism, including in cooperation with tourists' countries of origin.

284. The Committee notes with concern the low level of women's participation in public life and decision-making, particularly in the House of Representatives, the Senate and local government councils, as well as at the international level.

285. **The Committee recommends that the State party adopt and implement temporary special measures to increase the number of women in decision-making positions, in particular, to establish benchmarks and timetables, and consider the use of quotas to achieve them. The Committee invites the State party to also encourage political parties to use such quotas. The Committee calls upon the State party to implement training and awareness-raising programmes to highlight the importance of women's participation in decision-making at all levels, including at the international level, and to create enabling, encouraging and supportive conditions for such participation. The Committee also recommends that the State party develop more systematic data collection on women's participation in political and public life.**

286. The Committee notes with concern that certain provisions of the Nationality Law described in the report continue to discriminate against Thai women who marry foreign men. In particular, it is concerned that while Thai men may extend their citizenship to their foreign wives, non-Thai men who marry Thai women need to reside in Thailand for more than five consecutive years before being able to obtain citizenship.

287. **The Committee urges the State party to amend the Nationality Law so as to bring it in conformity with article 9 of the Convention.**

288. The Committee is concerned about the situation of rural and hill tribe women, particularly in view of their lack of access to adequate nutrition, sanitation, health-care services, education and income-generating activities.

289. **The Committee requests the State party to address the needs of rural and hill tribe women in an urgent and comprehensive manner and to implement measures to ensure that rural and hill tribe women have full access to adequate nutrition, sanitation, health-care services, education and income-generating activities.**

290. The Committee is concerned about the situation of Muslim women in the south of the country who lack access to education, social security, health care and economic opportunities, and are subjected to early marriage due to cultural norms. The Committee is also concerned that this situation is further exacerbated by the recent unrest in the south.

291. **While commending the State party for having committed itself to bringing about peace in the south of the country and for having paid remedies to families of those deceased and injured as a result of the unrest, the Committee recommends that the State party ensure that all women in the south have access to health care, social security, economic resources and opportunities for education and skills training to enable them to rebuild their lives. It also**

encourages the State party to provide increased educational opportunities to girls to discourage early marriages.

292. While welcoming the efforts made by the State party in granting Thai citizenship to 80 per cent of the hill tribe people and approving it for 140,000 displaced persons, the Committee remains concerned about the complexity of the procedure for obtaining citizenship by hill tribe women. It is also concerned that many refugee women do not enjoy legal status in the country.

293. **The Committee urges the State party to adopt measures that will facilitate and accelerate the process for obtaining citizenship by hill tribe women, including by addressing any corrupt practices by public officials responsible for determining the citizenship of applicants. It also calls on the State party to take steps that will ensure that refugee women can obtain legal status.**

294. The Committee is concerned about the lack or insufficient use of contraceptives, which leads to unsafe abortions. It is also concerned that women continue to bear the primary responsibility for family planning, as exemplified by the low rates of condom use and male sterilization compared to female methods of contraception.

295. **The Committee recommends that the State party strengthen the implementation of programmes and policies aimed at providing effective access for women to contraceptives and health-care information and services with the aim of avoiding the need for women to resort to illegal abortions. The Committee urges the State party to implement programmes of sexual and reproductive health education for women, men and adolescents in order to foster responsible sexual behaviour, and to increase its efforts to promote male contraception.**

296. The Committee is concerned about the high rates of HIV/AIDS among women, especially among those engaged in prostitution.

297. **The Committee strongly recommends that the State party step up its efforts to prevent and combat HIV/AIDS and improve the dissemination of information about the risks and ways of transmission. It also recommends that the State party include a gender perspective in its policies and programmes on HIV/AIDS.**

298. The Committee regrets the lack of sex-disaggregated data in regard to many of the provisions of the Convention.

299. **The Committee requests that the State party provide sufficient sex-disaggregated data, in its next periodic report so as to provide a clear picture of the progress made and obstacles remaining in the implementation of all the provisions of the Convention and to more effectively assess the impact of measures taken.**

300. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

301. **The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform**

for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

302. **The Committee also emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

303. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Thailand to consider ratifying the treaties to which it is not yet a party: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

304. **The Committee requests the State party to disseminate widely the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".**

305. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which is due in September 2006, and its seventh periodic report, which is due in September 2010, in a combined report in 2010.**

5. Combined fourth, fifth and sixth periodic report

Bolivarian Republic of Venezuela

306. The Committee considered the combined fourth, fifth and sixth periodic report of Venezuela (Bolivarian Republic of) (CEDAW/C/VEN/4-6) at its 715th and 716th meetings, on 26 January 2006 (see CEDAW/C/SR.715 and 716). The Committee's list of issues and questions is contained in CEDAW/C/VEN/Q/4-6, and the country's responses are contained in CEDAW/C/VEN/4-6/Add.1.

Introduction

307. The Committee expresses its appreciation to the State party for its combined fourth, fifth and sixth periodic report, which followed the Committee's guidelines for the preparation of periodic reports, while regretting that it was overdue. The Committee also expresses its appreciation to the State party for its written replies to

the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee, while regretting that some of those questions were not answered.

308. The Committee commends the State party for its delegation, headed by the President of the National Women's Institute, which included representatives from the ministries of health and social development, education and foreign affairs, the judiciary and specialized institutions. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

309. The Committee commends the State party for ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in May 2002.

Positive aspects

310. The Committee welcomes the adoption of the new Constitution, approved by referendum in 1999, which establishes equality of rights between women and men in all spheres of life, includes specific provisions that protect the human rights of women and uses non-sexist language.

311. The Committee welcomes the efforts of the State party to strengthen the national machinery for the advancement of women, as reflected in the increase in human and financial resources provided for the establishment of institutes, councils, meeting points and shelters at the regional and municipal levels.

312. The Committee appreciates the various measures in the areas of law, policy and institutions aimed at the advancement of women to a position of equality with men, including the adoption of the Violence against Women and the Family Law, the Land and Development Law, which includes preferential provisions for women heads of households, the National Plan for Prevention of Violence against Women and Care of its Victims, the National Plan for Women's Equality and the establishment of the National Office for the Defense of Women's Rights and the Women's Development Bank.

313. The Committee commends the State party for the nationwide implementation of education, literacy, health and economic programmes, which will have a positive impact on the status of women, particularly indigenous women and women of African descent.

314. The Committee commends the State party's efforts to collect statistics disaggregated by sex.

Principal areas of concern and recommendations

315. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls**

on the State party to submit the present concluding comments to Parliament and to all relevant ministries so as to ensure their full implementation.

316. The Committee is concerned that not all the relevant government entities may have been fully involved in the process of elaboration of the report. It is also concerned that not all relevant non-governmental organizations have been engaged in a process of consultation regarding the report.

317. **The Committee calls on the State party to consider the establishment of a coordinating body composed of all relevant government entities as a means to strengthen inter-ministerial collaboration in the implementation of the provisions of the Convention, in preparation of periodic reports under article 18 of the Convention and, in particular, in the follow-up to the concluding comments of the Committee. The Committee also recommends that regular channels of cooperation with relevant civil society organizations be ensured, in regard to a process of consultation in the preparation of the report.**

318. While welcoming the fact that the Constitution establishes equality between men and women in all spheres of life and that article 88 of the Constitution recognizes the economic and social value of domestic work and gives housewives the right to social security, the Committee is concerned that the necessary reforms to bring the relevant codes into compliance with the principles embodied in the Convention and the Constitution, such as the Penal and Civil Codes dating from 1937 and 1982, respectively, have not yet been completed.

319. **The Committee urges the State party to speedily complete the revision of its Penal and Civil Codes to bring them into full compliance with the principles of the Constitution and the provisions of the Convention and to adopt legislation on social security for housewives. The Committee urges the State party to adopt all other necessary legislative measures to ensure the realization in practice of all the Constitutional provisions related to women's human rights.**

320. While noting that article 21 of the Constitution allows for the adoption of positive measures in favour of persons or groups who may suffer discrimination or are marginalized or vulnerable, the Committee is concerned that the purpose of temporary special measures, as called for under article 4, paragraph 1, of the Convention, may not be properly understood in the State party, leading to a lack of use of such measures.

321. **The Committee recommends that the State party, in its policies and programmes, clearly distinguish between general social and economic policies and programmes, which also benefit women, and temporary special measures under article 4, paragraph 1, of the Convention, which are necessary to accelerate the achievement of de facto equality for women in various areas, as clarified by the Committee in general recommendation No. 25. It also encourages the State party to strengthen the application of temporary special measures to accelerate de facto equality between women and men. The Committee urges the State party, in particular, to take such measures to accelerate the achievement of de facto equality of indigenous women and women of African descent in the fields of education, employment, health and public and political life.**

322. While welcoming the adoption of the national plan for women's equality and related sectoral policies, strategies and programmes, the Committee is concerned about the lack of effective monitoring mechanisms to assess the impact of these measures. In particular it is concerned about the lack of mechanisms to monitor implementation of gender equality policies in regions of the country where the National Women's Institute has no presence. Furthermore, it is not clear to the Committee whether gender perspectives have been fully integrated in all sectoral national plans, including the 2001-2007 economic and social development plan and the various national socio-economic programmes.

323. **The Committee urges the State party to establish effective monitoring mechanisms, through inter-institutional involvement at all levels, in order to systematically assess the implementation and impact on the status of women of gender equality policies and national programmes in all regions and to strengthen the interaction with non-governmental organizations in this process. Based on such assessments, the Committee invites the State party to undertake corrective measures whenever necessary. The Committee recommends that the State party develop, adopt and implement, at the national level, a comprehensive and coordinated plan of action to ensure gender mainstreaming at all levels and in all areas. The Committee requests that the State party provide, in its next report, statistical data and analysis, disaggregated by sex, on the impact of its programmes and policies on women and men in urban and rural areas and on indigenous groups and groups of African descent.**

324. The Committee is concerned that the requirement of double registration with civil and institutional entities, by sector, might constitute an obstacle for non-governmental organizations to monitor and contribute to the implementation of the Convention. It is especially concerned that these requirements may restrict, in particular, the participation of those non-governmental organizations that work in the field of women's human rights as well as in other related areas.

325. **The Committee recommends that the State party take measures to facilitate the active and effective contribution of non-governmental organizations to the continuing implementation of the Convention. It recommends that the State party conduct a comprehensive assessment of the scope of the double registration and to consider revising this requirement to facilitate the interaction between government entities and non-governmental organizations in ensuring to women the enjoyment of their human rights.**

326. The Committee notes with concern that, while the Convention refers to the concept of equality, the terms "equality" and "equity" are used in the State party's plans and programmes in such a way that could be interpreted as synonymous.

327. **The Committee urges the State party to take note that, as the terms, "equity" and "equality" are not synonymous or interchangeable, they must be clearly distinguished when used to avoid conceptual confusion. The Convention is directed towards eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee therefore recommends that the State party expand the dialogue among public entities, academia and civil society in order to clarify the definition of equality in accordance with the provisions of the Convention.**

328. While noting the adoption of the Law on Social Responsibility in Radio and Television and other measures aimed at combating gender-role stereotypes, the Committee is concerned about the persistence of stereotypical attitudes and patriarchal patterns of behaviour in respect of the roles and responsibilities of women and men in family and in society that undermine women's human rights.

329. **The Committee urges the State party to increase its efforts to address stereotypical attitudes about the roles and responsibilities of women and men that perpetuate direct and indirect discrimination against women and girls. These should include educational measures at all levels, beginning at an early age; and awareness-raising campaigns directed at both women and men, designed, whenever possible, with the involvement of the media and civil society, including non-governmental organizations, to address stereotypes regarding the roles of women and men with a view to combating discrimination against women, in particular against indigenous women and women of African descent. The Committee also calls upon the State party to periodically review the measures taken, especially their impact, to identify shortcomings, to adjust and improve those measures accordingly and to report thereon to the Committee in its next report.**

330. The Committee is deeply concerned that in 2003 the Government Attorney's Office lodged an appeal contravening the provision of precautionary measures against perpetrators of domestic violence, provided for in the Violence against Women and the Family Law. The Committee is concerned that the appeal aims to prevent administrative bodies acting as officers of the court from receiving complaints from women victims of violence. The Committee is further concerned about the lack of a centralized system to collect data on violence against women.

331. **The Committee urges the State party to take immediate effective measures to eliminate any obstacles that may be encountered by women victims of violence in obtaining precautionary measures against perpetrators of violence and to ensure that such measures remain easily accessible to them. The Committee underscores the need for the State party to place high priority on the comprehensive implementation and evaluation of the Violence against Women and the Family Law and to make it widely known to public officials and society at large. The Committee calls upon the State party to ensure that perpetrators of violence against women are prosecuted and adequately punished. It encourages the State party to enhance effective access to legal aid for women from all regions, including indigenous women and women of African descent. It also calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions, sensitized to all forms of violence against women and trained to adequately respond to them. The Committee urges the State party to establish a centralized system to gather data on the incidence of violence against women and to include such data and information about the impact of measures taken in its next periodic report.**

332. While noting that socio-economic measures, as well as other preventive efforts, are in place aimed at addressing the root causes of prostitution, the Committee is concerned that insufficient steps have been taken to curtail the exploitation of prostitution, discourage demand and put rehabilitation measures in place. It is further concerned about the lack of information on the causes and extent

of prostitution, as well as the trafficking of women and girls, in particular the incidence of these phenomena in border areas.

333. **The Committee urges the State party to take all appropriate measures, including the adoption and implementation of a comprehensive plan to suppress the exploitation of prostitution of women through, inter alia, the strengthening of prevention measures, discouraging the demand for prostitution and taking measures to rehabilitate victims of exploitation. The Committee requests the State party to include in its next periodic report a comprehensive assessment based on appropriate studies about the causes and extent of prostitution, as well as the trafficking of women and girls. Such information should be disaggregated by age and geographical areas, and give details about the results achieved.**

334. While noting that article 91 of the Constitution recognizes equal pay for equal work, the Committee is concerned about the persistent wage differential between women and men and about the insufficient understanding of the principle of equal pay for work of equal value in accordance with article 11 (d) of the Convention. The Committee regrets the lack of data about the participation of women in the labour market, both in the informal and formal sectors, disaggregated by occupational group and occupational level.

335. **The Committee urges the State party to accelerate and ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25. The Committee calls on the State party to undertake a comprehensive study to determine whether the principle of equal pay for work of equal value is respected and, based on this assessment, to implement appropriate measures to ensure that women indeed receive equal pay for work of equal value. The Committee requests that detailed data on the formal and informal labour markets disaggregated by sex, sector, occupational groups and levels, be included in the next periodic report.**

336. While acknowledging the national plan of action on sexual and reproductive health and increased efforts to provide family planning services, the Committee notes with concern the persistent high prevalence of teenage pregnancy. Furthermore, the Committee regrets the lack of detailed information about the causes and consequences of abortion, which is the third leading cause of maternal death in the State party.

337. **The Committee recommends that the State party pay special attention to the effective implementation and monitoring of the national plan of action on sexual and reproductive health. The State party should place higher priority on the provision of family planning services, including information on contraceptives and their wide and easy availability in all regions of the country, as well as the provision of sex education, addressing both young women and men. The Committee urges the State party to ensure effective access of women to such information and to sexual and reproductive health services, particularly to young women, women from rural areas, indigenous women and women of African descent. The Committee requests the State party to undertake a survey on the reasons for the high rate of maternal deaths due to abortion and to adopt measures, including legislative and public policy measures, to reduce and eliminate related risks. It invites the State party to include detailed information**

and data on the incidence, causes and consequences of abortion as well as on the impact of measures taken, disaggregated by age group, in its next periodic report.

338. The Committee notes with concern that the minimum legal age of marriage is set at 14 for girls and 16 for boys.

339. **The Committee urges the State party to take measures to raise the minimum legal age of marriage for girls in order to bring it into line with article 1 of the Convention on the Rights of the Child, which defines a child as anyone under the age of 18 years, and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women.**

340. **The Committee encourages the State party to accept, as soon as possible, the amendment of article 20, paragraph 1, of the Convention concerning the Committee's meeting time.**

341. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

342. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals (MDGs). It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the MDGs and requests the State party to include information thereon in its next periodic report.**

343. **The Committee notes that adherence by States to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Venezuela (Bolivarian Republic of) to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

344. **The Committee requests the wide dissemination of the present concluding comments in Venezuela (Bolivarian Republic of) in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests that the State party continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

345. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in June 2008.**

Chapter V

Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

346. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Optional Protocol.

A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

347. The Committee took note of the report of the Working Group on Communications under the Optional Protocol on its seventh session (annex IX to part three of the present report).

348. At the recommendation of the Working Group, the Committee decided to include in its model communication form an additional question to authors (see para. 8 (g) of the report of the Working Group). It also appointed two of its members, Mr. Cees Flinterman and Ms. Hanna Beate Schöpp-Schilling, as rapporteurs on follow-up to the views on communication No. 2/2003, *Ms. A. T. v. Hungary*.

349. The Committee took action on communication No. 8/2005 (see annex I to part one of the report).

B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol

350. In accordance with article 8, paragraph 1, of the Optional Protocol, if the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and, to that end, to submit observations with regard to the information concerned.

351. In accordance with rule 77 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

352. The Committee did not consider any issues under article 8 of the Optional Protocol at the thirty-fourth session.

Chapter VI

Ways and means of expediting the work of the Committee

353. The Committee considered agenda item 6, ways and means of expediting the work of the Committee, at its 702nd and 719th meetings, on 16 January and 3 February 2006.

Action taken by the Committee under agenda item 6

Members of the pre-session working group for the thirty-fifth through thirty-eighth sessions

354. In the light of the authorization by the General Assembly, in its resolution 60/230 of 23 December 2005, of the extension of the meeting time of the Committee in 2006 and 2007, the Committee decided to convene the pre-session working group for the thirty-fifth and thirty-sixth sessions immediately after the closure of the thirty-fourth session in order to ensure that sufficient time is available to States parties to submit their written replies to the lists of issues and questions, as well as to ensure their timely translation. The Committee also decided, for the same reason, that the pre-session working groups for the thirty-seventh and thirty-eighth sessions would convene immediately prior to the thirty-sixth session.

355. The Committee decided that the members of the pre-session working groups for the thirty-fifth and thirty-sixth sessions would be:

Meriem Belmihoub-Zerdani
Naéla Gabr
Silvia Pimentel
Fumiko Saiga
Glenda Simms
Dubravka Šimonović
Maria Regina Tavares da Silva
Xiaoqiao Zou

Dates of the thirty-fifth to thirty-eighth sessions, the pre-session working groups for the thirty-fifth through thirty-eighth sessions and the eighth session of the Working Group on Communications under the Optional Protocol to the Convention

356. In accordance with the draft calendar of conferences and meetings for 2006 and 2007, future sessions of the Committee will take place as follows:

(a) Thirty-fifth session: 15 May to 2 June 2006;

(b) Thirty-sixth session: 7 to 25 August 2006;

(c) Thirty-seventh session: 15 January to 2 February 2007;

(d) Thirty-eighth session: 14 May to 1 June 2007;

(e) Thirty-ninth session: 23 July to 10 August 2007.

357. The pre-session working group for the thirty-fifth and thirty-sixth sessions will be held from 6 to 10 February 2006; the pre-session working groups for the

thirty-seventh and thirty-eighth sessions will be held from 31 July to 4 August 2006; and the pre-session working group for the thirty-ninth session will be held from 5 to 9 February 2007. The eighth session of the Working Group on Communications under the Optional Protocol will be held from 2 to 4 August 2006 and the ninth session from 5 to 9 February 2007.

Reports to be considered at future sessions of the Committee

358. The Committee confirmed that it would consider the following reports at its thirty-fifth session:

(a) Initial reports:

Bosnia and Herzegovina
Malaysia
Saint Lucia
Turkmenistan

(b) Periodic reports:

Cyprus
Guatemala
Malawi
Romania

359. The Committee decided to consider the following reports at its thirty-sixth session:

(a) Initial report:

Cape Verde

(b) Periodic reports:

China
Chile
Cuba
Czech Republic
Democratic Republic of the Congo
Denmark
Georgia
Ghana
Jamaica
Mauritius
Mexico
Philippines
Republic of Moldova
Uzbekistan

360. The Committee decided to consider the following reports at its thirty-seventh session:

(a) Initial report:

Tajikistan

(b) Periodic reports:

Austria
Azerbaijan
Colombia
Greece
India
Kazakhstan
Maldives
Namibia
Netherlands
Nicaragua
Peru
Poland
Singapore
Suriname

361. The Committee decided to consider the following reports at its thirty-eighth session (preliminary list, to be completed):

Mauritania
Mozambique
Niger
Pakistan
Syria
Vanuatu

United Nations meetings to be attended by the Chairperson or members of the Committee in 2006

362. The Committee recommended that the Chairperson or an alternate attend the following meetings in 2006:

(a) The fiftieth session of the Commission on the Status of Women;

(b) The sixty-second session of the Commission on Human Rights and/or the inaugural session of the Human Rights Council, as applicable;

(c) The eighteenth meeting of persons chairing human rights treaty bodies;

(d) The fifth Inter-Committee Meeting, together with two other members of the Committee;

(e) The sixty-first session of the General Assembly (Third Committee).

Enhancing the Committee's working methods under article 18 of the Convention

Summary records of the Committee

363. The Committee took note with appreciation of the issuance of the summary records of its thirtieth to thirty-third sessions and their availability on the website of the Division for the Advancement of Women (http://www.un.org/womenwatch/daw/cedaw). It noted the intention of the relevant offices of the United Nations to see to their timely issuance in the future.

364. The Committee took note that summary records dating back to 1998 are available in the original language in which they were drafted and that many are also available in other official languages of the United Nations. The Committee approved the non-simultaneous release of all outstanding and available summary records. It requested that these be made widely available, especially through the website of the Division for the Advancement of Women.

Summary of the introductory statements of States parties

365. The Committee decided to dispense with the inclusion of summaries of the introductory statements of reporting States in its annual report, thus reducing its overall length. The Committee noted that this decision is in response to the efforts of the General Assembly to limit the length of documentation. The Committee highlighted that 30-minute introductory statements of States parties presenting their reports are now routinely made available on the website of the Division for the Advancement of Women and are also reflected in the summary records.

Informal meeting in May 2006

366. The Committee received an invitation from the Government of Germany to hold an informal meeting in 2006 in Berlin to mark the Committee's twenty-fifth anniversary. The Committee expressed its sincere appreciation to the Government for this generous invitation and it was agreed that the meeting would take place from 2 to 4 May 2006. This informal meeting would provide the Committee with an opportunity to consider the question of its working methods, especially in connection with its consideration of periodic reports of States parties in parallel working groups for its thirty-sixth and future sessions when the Committee will be meeting in parallel working groups for the purpose of considering periodic reports. The Committee also intends to cover aspects in conjunction with the reform of the human rights treaty bodies and to discuss a number of draft general recommendations. The Committee entrusted its Chairperson, in cooperation with the Bureau and its secretariat, to prepare a detailed agenda for the meeting, as well as the necessary background documentation in order to facilitate the Committee's deliberations.

Country task forces

367. The Committee continued to use country task forces for consideration of four periodic reports, and agreed to use them for consideration of four periodic reports at its thirty-fifth session.

Working methods for parallel working groups

368. The Committee held a preliminary discussion on the methods of work pertaining to its meetings in parallel working groups for consideration of periodic reports at its thirty-sixth session, in August 2006. The Committee will take up this question at its informal meeting in Berlin, in early May 2006. The Secretariat was requested to prepare a background note for that meeting that should address the issues raised by experts, as well as provide information about the procedures and experience of the Committee on the Rights of the Child in the use of two chambers.

Follow-up to the recommendations of the fourth inter-committee meeting and the seventeenth meeting of chairpersons of the human rights treaty bodies

369. At its thirty-third session, the Committee had designated Ms. Hanna Beate Schöpp-Schilling as a member of a technical working group of seven members, one from each committee, to finalize the draft harmonized guidelines (HRI/MC/2005/3) for consideration and eventual adoption by each of the human rights treaty bodies. Ms. Schöpp-Schilling participated in the meeting, which took place on 8 and 9 December 2005 at the Office of the United Nations High Commissioner for Human Rights (OHCHR), and was elected Chairperson of the meeting. As the technical working group was unable to complete its work, an additional meeting has been scheduled to take place in February 2006. The Committee expressed its appreciation to Ms. Schöpp-Schilling for continuing to take part in the technical working group, expressed its appreciation for her efforts thus far and confirmed her as its representative at the meetings of the technical working group.

Interaction with national human rights institutions

370. The Committee took note of the information provided by its secretariat on the current modalities of interaction between human rights treaty bodies and national human rights institutions (CEDAW/C/2006/I/4 and CEDAW/C/2005/4). It reiterated its interest in establishing such interaction with national human rights institutions. It confirmed its commitment to developing the modalities for such interaction in coordination with other human rights treaty bodies. To that end, the Committee prepared its position in preparation for the fifth inter-committee meeting in 2006, when this question will be taken up.

Interaction with the specialized agencies and other bodies of the United Nations system

371. The Committee adopted the new guidelines for submission of reports by the specialized agencies and other bodies of the United Nations system (see annex II to part one of the report).

Website of the Division for the Advancement of Women

372. The Committee noted the continuing updating of the website of the Division for the Advancement of Women, including the posting of documents from past sessions. It requested the secretariat to provide, at a future session, an estimate of resources required to store electronically and make available on the Division's website the documentation relating to the early years of the Committee's work. The estimate will be prepared for a future session of the Committee.

Letter from the Permanent Mission of Israel to the United Nations, addressed to the Chairperson of the Committee

373. The Committee responded to a letter from the Deputy Permanent Representative of Israel to the United Nations, addressed to its Chairperson, pertaining to the examination of Israel's third periodic report at the thirty-third session (see annex III to part one of the report).

Plan of Action of the Office of the United Nations High Commissioner for Human Rights

374. At the invitation of the Committee, the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, addressed the Committee on 27 January 2006 in closed meeting and held a discussion with experts on matters pertaining to the proposed reforms of the human rights treaty bodies.

375. The Committee agreed to continue its discussion of these proposals at its informal meeting in Berlin, on the basis of the concept paper that the High Commissioner is expected to issue shortly. The Committee intends to provide further comments to the High Commissioner after the issuance of that paper.

376. The Committee sent letters to the Secretary-General of the United Nations and to the High Commissioner for Human Rights on the question of treaty body reform (see annex IV to part one of the report; see also decision 34/1 above).

Special Rapporteur on violence against women, its causes and consequences

377. The Committee extended an invitation to the Special Rapporteur on violence against Women, its causes and consequences, to meet with the Committee at its thirty-fifth session to discuss issues of mutual interest and concern.

Special Rapporteur on the right to adequate housing

378. The Committee held an exchange of views with the Special Rapporteur on the right to adequate housing, Miloon Kothari.

Chapter VII
Implementation of article 21 of the Convention

379. The Committee considered agenda item 5, on the implementation of article 21 of the Convention, at its 702nd and 719th meetings, on 16 January and 3 February 2006.

Action taken by the Committee under agenda item 5

General recommendation on article 2 of the Convention

380. Members of the task force for a general recommendation on article 2 provided an update on the status of its work.

General recommendation on migrant women

381. The Committee was briefed by a group of experts on the progress made on the elaboration of a general recommendation on migrant women since its last session. Experts made preliminary comments and the Committee agreed to continue the discussion at its informal meeting in Berlin. The experts also agreed to circulate the current draft to other human rights treaty bodies for their comments.

382. The Committee took note with appreciation of a letter received from the Committee on Migrant Workers on a possible joint general recommendation/ comment on the issue of women migrant workers and sent a response on the subject.

Chapter VIII

Provisional agenda for the thirty-fifth session

383. The Committee considered the draft provisional agenda for its thirty-fifth session at its 702nd meeting and approved the following provisional agenda for the session:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the thirty-fourth and thirty-fifth sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Provisional agenda for the thirty-sixth session.
8. Adoption of the report of the Committee on its thirty-fifth session.

Chapter IX

Adoption of the report

384. The Committee considered the draft report on its thirty-fourth session (CEDAW/C/2006/I/L.1) at its 719th meeting (see CEDAW/C/SR.719) and adopted it, as orally revised, during the discussion.

Notes

[1] The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Annex I

Decision of the Committee on the Elimination of Discrimination against Women under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

Communication No. 8/2005, Rahime Kayhan v. Turkey[a] (decision adopted on 27 January 2006, thirty-fourth session)

Submitted by: Rahime Kayhan

Alleged victim: The author (represented by counsel, Ms. Fatma Benli)

State party: Turkey

Date of communication: Dated 20 August 2004

Document references: Transmitted to the State party on 10 February 2005 (not issued in document form)

The Committee on the Elimination of Discrimination against Women, established under article 17 of the Convention on the Elimination of All Forms of Discrimination against Women,

Meeting on 27 January 2006,

Adopts the following:

Decision on admissibility

1.1 The author of the communication dated 20 August 2004, is Ms. Rahime Kayhan, born on 3 March 1968 and a national of Turkey. She claims to be a victim of a violation by Turkey of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women. The author is represented by counsel, Ms. Fatma Benli, Attorney at law. The Convention and its Optional Protocol entered into force for the State party on 19 January 1986 and 29 January 2003, respectively.

The facts as presented

2.1 The author, a teacher of religion and ethics, is married and the mother of three children between the ages of two and 10. She has worn a scarf covering her hair and neck (her face is exposed) since the age of 16, including while studying at a State university.

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[a] The following members of the Committee participated in the examination of the communication: Magalys Arocha Dominguez, Meriem Belmihoub-Zerdani, Huguette Bokpe Gnacadja, Dorcas Coker-Appiah, Mary Shanthi Dairiam, Cornelis Flinterman, Naela Gabr, Françoise Gaspard, Salma Khan, Rosario Manalo, Krisztina Morvai, Pramila Patten, Silvia Pimentel, Victoria Popescu, Fumiko Saiga, Hanna Beate Schöpp-Schilling, Heisoo Shin, Dubravka Šimonović, Anamah Tan, Maria Regina Tavares da Silva and Zou Xiaoqiao.

2.2 On 26 September 1991, the author was hired to work at Bursa Karacabey Imam Hatip High School, a State school under the Ministry of Education. She began to teach at Erzurum Imam Hatip High School on 12 September 1994 and taught at that institution for the next five years until her transfer to Mehmetcik Middle School. She wore a headscarf when she got her first appointment and when she was photographed for her identification cards (for example on her driver's licence, teacher ID, health insurance card, etc.).

2.3 On 16 July 1999, she received warnings and then a deduction was taken from her salary (1/30) for wearing a headscarf. The author appealed against this penalty and, during the proceedings Amnesty Law No. 4455 came into effect and the warnings and penalty were removed from her record.

2.4 On 13 January 2000, the author received a document stating that an investigation had begun into a claim that she did not obey regulations on appearance, that she entered the classroom with her hair covered and that she spoiled the peace, quiet, work and harmony of the institution with her ideological and political objectives. She was asked to submit a written statement.

2.5 On 8 February 2000, the author defended herself by pointing out that she had in no way acted in a manner that would spoil the peace and quiet of the institution. She had worked hard during the past eight years despite having two infants, she had never had political or ideological objectives, she had been praised so many times by the inspectors for her teaching successes and was a person who loved her country and was devoted to the republic and democracy and that she aimed to help raise Turkish youth to be devoted to their country and nation.

2.6 On 29 March 2000, the Ministry of Education informed the author that she had the right to study her file and defend herself orally or be defended by counsel.

2.7 The author responded by sending the sworn statements of 10 persons who claimed that the accusations and imputations against her were untrue. Her lawyer made written and oral statements to the Higher Disciplinary Council, stating that the allegations against the author were untrue and that there were no indications that she had "spoiled the harmony in the investigation report". If she were to be punished, it would amount to a violation of national and international principles of law, including freedom to work, of religion, conscience, thought and freedom of choice. It would also be discrimination and a violation of the right to develop one's physical and spiritual being.

2.8 The author states that on 9 June 2000, she was arbitrarily dismissed from her position by the Higher Disciplinary Council. The Council's decision suggested that the author's wearing of a headscarf in the classroom was the equivalent of "spoiling the peace, quiet and work harmony" of the institution by political means in accordance with article 125E/a of the Public Servants Law No. 657. As a result, she permanently lost her status as a civil servant. The author lost, inter alia, her means of subsistence to a great extent, the deductions that would go towards her pension entitlement, interest on her salary and income, her education grant and her health insurance. She would be unable to teach in a private school as well while wearing a headscarf allegedly because the private schools in Turkey depend on the Ministry of National Education. Nobody would want to employ a woman who had been given the gravest of disciplinary penalties.

2.9 On 23 October 2000, the author appealed to Erzurum Administrative Court demanding that the dismissal be cancelled because she had not violated article 125E/a of the States Officials Act by wearing a headscarf. At most she should have been reprimanded or condemned — not dismissed. She claims that the penalty lacked a legitimate purpose and was not a necessary intervention for a democratic society.

2.10 On 22 March 2001, Erzurum Administrative Court refused the appeal, finding that her punishment did not violate the law.

2.11 On 15 May 2001, the author appealed against the decision of Erzurum Administrative Court to the State Council, and claimed that in order to apply article 125E/a of the Public Servants Law No. 657, a concrete act to upset public order will have had to be committed. There was no evidence of the author committing such an act. She had covered her head and thus had violated the Regulation relevant to the Attire of the Personnel working in Public Office and Establishments.

2.12 On 9 April 2003, the Chair of the 12th Department of the State Council rejected this appeal, upholding the judgement of the Erzurum Administrative Court on grounds that it was justified in procedure and law. The author was notified of the final decision on 28 July 2003.

The complaint

3.1 The author complains that she is a victim of a violation by the State party of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women. By dismissing her and terminating her status as a civil servant for wearing a headscarf, a piece of clothing that is unique to women, the State party is said to have violated the author's right to work, her right to the same employment opportunities as others, as well as her right to promotion, job security, pension rights and equal treatment. Allegedly she is one of more than 1,500 women civil servants who have been dismissed for wearing a headscarf.

3.2 The author also claims that her right to a personal identity includes her right to choose Islamic attire without discrimination. She considers that the wearing of a headscarf is covered by the right to freedom of religion and thought. Had she not considered the headscarf so important and vital, she would not have jeopardized her family's income and future. The author considers that the act of forcing her to make a choice between working and uncovering her head violates her fundamental rights that are protected in international conventions. She believes it to have been unjust, legally unforeseeable, illegitimate and unacceptable in a democratic society.

3.3 The author complains that the action taken against her was arbitrary because it was not grounded in any law or a judicial decision. The only dress code is the so-called Regulation relevant to the Attire of the Personnel working in Public Office and Establishments of 25 October 1982, which specifies that "Heads should be uncovered at the work place" (art. 5). It is alleged that this regulation no longer applies in practice and that persons who have disobeyed it have not been warned or disciplined.

3.4 The author also claims that the punishment for violating article 125A/g of the Public Servants Law No. 657 on the issue of clothing is a warning (for the first infraction) and condemnation (for a repeated infraction). Instead of this, the author was allegedly punished for the crime of "breaking the peace, silence and working order of the institutions with ideological and political reasons" without evidence of her having committed the offence. She maintains thus that the decisions of the Erzurum Administrative Court and the State Council were based on the application of the wrong provision. They do not answer the question of why the acts of the defendant were considered political and ideological actions. She questions why the administration had permitted her to wear a headscarf for nine years if it had been an ideological action.

3.5 The punishment to which she was subjected restricted her right to work, violated equality among employees and fostered an intolerant work environment by categorizing persons according to the clothes that they wear. She claims that had she been a man with similar ideas, she would not have been so punished.

3.6 Having been unjustly expelled from the civil service and her teaching position, the author feels compelled to have recourse to the Committee and requests it to find that the State party has violated her rights and discriminated against her on the basis of her sex. She further requests the Committee to recommend to the State party that it amend the Regulation relevant to the Attire of the Personnel working in Public Office and Establishments, prevent the High Disciplinary Boards from meting out punishment for anything other than proven and concrete offences and lift the ban on wearing headscarves.

3.7 As to the admissibility of the communication, the author maintains that all domestic remedies have been exhausted with her appeal to the State Council. She also states that she has not submitted the communication to any other international body.

The State party's submission on admissibility

4.1 By submission of 10 May 2005, the State party argues that domestic remedies have not been exhausted in that the author did not bring an action in accordance with the Regulation on the Complaints and Applications by Civil Servants, which was adopted by decree 8/5743 of the Council of Ministers on 28 November 1982 and published in the Official Gazette on 12 January 1983. Moreover, she did not bring an action before the Turkish Parliament (Grand National Assembly) under article 74 of the Constitution and she did not use the remedy provided under section 3 (Remedies against Decisions), article 54 of the Law on Administrative Judicial Procedures.

4.2 The State party contends that the same matter has been examined by another procedure of international investigation. In particular, the European Court of Human Rights examined a similar case in which the applicant, Leyla Şahin claimed that she was unable to complete her education because of wearing a headscarf and that this constituted a violation of the European Convention on Human Rights. The Court ruled unanimously that article 9 of that Convention (freedom of thought, conscience and religion) was not violated and that there was no need to further examine the claims that article 10 (freedom of expression), article 14 (prohibition of discrimination) and article 2 of Protocol No. 1 Additional to that Convention (education) were violated.

4.3 The State party argues that the facts that are the subject of the communication occurred prior to the entry into force of the Optional Protocol for Turkey in 2002.

The author was dismissed on 9 June 2000 and her communication is therefore inadmissible in accordance with article 4, paragraph 2 (e) of the Optional Protocol.

4.4 The State party also submits that the communication violates the spirit of the Convention because her claims are not relevant to the definition of discrimination against women as contained in article 1 of the Convention. The attire of civil servants is specified in the Regulation relevant to the Attire of the Personnel working in Public Office and Establishments, which was prepared in conformity with the Constitution and the relevant laws. This regulation applies to male and female civil servants and both sexes face the same disciplinary and legal actions as the author faced and there is no element of the regulation — content or application — that constitutes discrimination against women. Rulings of the High Courts, such as the Constitutional Court of the Council of State, underline the obligation of civil servants and other public employees to abide by the dress code. When persons (male and female) join the public service, they take office being aware of the relevant provisions of the Constitution, other legislation and case law. It is an obligation for them to abide by the dress code. It is clear that Ms. Kayhan acted consistently against the relevant legislation, namely article 129 of the Constitution, articles 6/1 and 19 of Law No. 657 on Civil Servants, and article 5a of the Regulation relevant to the Attire of the Personnel working in Public Office and Establishments. The relevant Court decided that Ms. Kayhan insisted on coming to work and to her lectures with her head covered despite warnings and penalties. She was therefore discharged from service in accordance with article 125/E-a of Law No. 657 on Civil Servants (spoiling the peace and order of the work place for political and ideological reasons). Her religious beliefs are only her own concern and she has the right to act and dress as she wishes in her private life. However, as a public employee, she must abide by principles and rules of the State. In accordance with the public nature of her work, she is obliged to follow the laws and regulation mentioned above. There has been no discrimination in the disciplinary actions taken against the author, nor is there any contradiction in the law. In the implementation of the relevant norms and the case law, no discrimination is made between men and women. The Constitutional Court has already made rulings in this respect, which form the basis for the application of the laws and other norms in Turkey. In the light of these rulings, it should be noted that the ban on the headscarf in the workplace for female public employees does not constitute discrimination against them, but aims at achieving compliance with the laws and other regulations in force. The rules on attire for those in public service (women and men) are clearly defined by the provisions of the laws and regulations. Therefore, it is known that for those wishing to join public service, there are rules for attire.

4.5 For the stated reasons, the State party considers that the author's communication should be deemed inadmissible within the context of discrimination.

The author's comments on the State party's observations on admissibility

5.1 The author maintains that she applied to the administrative court when she was dismissed and lost her status as a civil servant and appealed to the State Council after the administrative court ruled against her. She argues that the State Council is the highest body to which she could appeal. She lost that appeal. She could not bring an action to have the dress code for civil servants rescinded because there is a 60-day deadline for such an action from the moment that a regulation is published in the Official Gazette or as soon as the treatment at issue has ended. The Regulation relevant to the Attire of the Personnel working in Public Office and Establishments was published in the Official Gazette on 12 January 1983 — when the author was 15-years old and not yet a civil servant. She considers that she need not exhaust this remedy as she has already gone the judicial route, claiming that the treatment to which she was subjected was unjust.

5.2 The author claims that an appeal to Parliament is not a remedy that she need exhaust vis-à-vis the discrimination that she suffered because a remedy must offer exact and clear solutions — not only in theory but in practice. She maintains that the only remedies to which she is obligated to resort to are judicial remedies. The author also maintains that she need not resort to using the procedure governed by article 54 of the Administrative procedural law. She considers this to be an extraordinary remedy because it entails a review of the decision in question by the same authority that has issued the decision. Therefore, it is not de facto possible to obtain an effective result by addressing the 12th Department of the State Council. By way of substantiation, the author claims that the claims of two other applicants, a laboratory assistant and a nurse, were dismissed because there was "no reason for correction of decisions" by the very same Department of the State Council. The author believes this procedure to be a waste of time and a pecuniary burden.

5.3 The author maintains that her complaint is not the same matter that has been examined under another procedure of international investigation or settlement. She has not applied to other international bodies. The applicant before the European Court of Human Rights, Leyla Şahin, is a different individual and the case has different characteristics. The purpose and characteristics of the Convention on the Elimination of All Forms of Discrimination against Women and the European Convention on Human Rights are completely different. Furthermore, the right to work is not covered under the latter instrument and thus, a petition before the European Court of Human Rights should not be considered the same matter as a communication brought to the attention of the Committee.

5.4 The author argues that her communication is not time-barred because the impact of the discrimination she suffered has continued after the Optional Protocol came into force for Turkey. The author was expelled from the civil service and will never again be able to take up her former duties. She cannot work as a teacher in a private school either and has been deprived of any social security and lost her health insurance.

5.5 The author argues that the violations of which she complains are protected rights under the Convention on the Elimination of All Forms of Discrimination against Women. She maintains that the discrimination to which she was subjected occurred because she wore a headscarf. A male or a female who violated another rule of the Regulation relevant to the Attire of the Personnel working in Public Office and Establishments would likely be able to continue to work. The author did not conduct herself in a manner that could justify her exclusion from public service. The punishment meted out in her case for disobeying the dress code should have been a warning or a reproach, but she was dismissed. The author claims that the harsh punishment itself is indicative of the discrimination to which she has been subjected. She maintains that banning the veil denies women their capacity to decide, tarnishes their dignity and offends the notion of gender equality. The ban on wearing a headscarf generates inequality among women in work and education.

Additional comments of the State party on admissibility

6.1 The case of Leyla Şahin before the European Court of Human Rights and the author's communication are the same in essence, irregardless of one being a student and the other a teacher. Regardless of gender, individuals are free and equal to wear what they will. In the public sphere, they must abide by the rules.

6.2 The State party explains that under Turkish Administrative Law, administrative acts create a new state of law and have immediate legal consequences. Suits of law do not have the effect of suspending the decisions. Courts set aside such decisions. Ms. Kayhan was dismissed on 9 June 2000 by decision of the High Disciplinary Board of the Ministry of National Education. This decision stripped her of her status as a civil servant. Therefore, the relevant date to be taken into account in deciding whether article 4, paragraph 2 (e) of the Optional Protocol would bar the admissibility of the communication would be 9 June 2000 — that is prior to the entry into force of the Optional Protocol for Turkey.

6.3 The State party maintains that the communication is incompatible with the Convention in accordance with article 4, paragraph 2 (b) of the Optional Protocol. The State party considers baseless the claim made by the author that she would still be employed had she been a man or had she failed to comply with any other provision of the dress code for civil servants. The author was dismissed because it was discovered that her stance stemmed from her political and ideological opinions. The same sanctions would apply to male civil servants whose actions were undertaken for political and ideological reasons. Gender is not a consideration and does not affect the sanction and therefore, there is no discrimination based on sex.

6.4 The State party argues that there is no discrimination against women concerning their participation in social life, education and involvement with work in the public sphere. Statistics on the number and percentage of women who work in schools and academic institutions clearly indicate this assertion. Many women hold high public posts, such as judges, governors, high-level administrators, deans and presidents of universities, including the President of the Constitutional Court and the President of the Turkish Institution for Scientific and Technical Research (TUBITAK).

6.5 The State party submits that regular remedies are those to which an applicant must resort within required time limits to appeal against a decision or take it on review ("revision of judgement"). Article 54 of the Administrative Trial Procedure Law (No. 2577) allows the parties to request a "revision of judgement" within a 25-day time limit. The grounds for the remedy's use include: if the allegations or objections that impact the merits are not dealt with; if there are contradictory elements; if there is a mistake of law or a procedural irregularity; or for fraud or forgery that impact the merits. The Divisions of the Council of State, General Assemblies of Administrative Tax Trial Divisions and Regional Administrative Courts, which have issued the decisions that will be reviewed, receive the applications. Those judges who were involved in the decision-making cannot participate when the (same) decision is being reviewed.

6.6 While the author claims that her appeal to the Council of State was sufficient to satisfy the requirements of article 4, paragraph 1 of the Optional Protocol, because the "revision of judgement" remedy is an extraordinary remedy, the State party argues that "revision of judgement" is a regular remedy within Turkish administrative law that should be utilized after an appellate body has rendered a decision. That the author considers the remedy to be ineffective is immaterial to the issue of exhaustion of domestic remedies and reflects only the personal view of the author's lawyer. The State party maintains that there are exemplary rulings by the Council of State in favour of applicants for "revision of judgement" and that the communication should be declared inadmissible for failure to exhaust domestic remedies.

6.7 The State party refers to the author's claim that she had no possibility of or right to complain in accordance with the Regulation on the Complaints and Applications by Civil Servants. The State party submits that the author's claim was based on an erroneous understanding of the procedure. The author appears to have understood the State party to have argued that she should challenge the Regulation relevant to the Attire of the Personnel working in Public Office and Establishments with a view to obtaining its annulment. The State party explained that it had not intended to give this impression. The State party had argued that the author did not make use of an avenue of complaint provided by the Regulation on the Complaints and Applications by Civil Servants.

6.8 With regard to the remedy under article 74 of the Turkish Constitution, the State party explains that requests and complaints concerning individual authors or the [general] public or "the status of acts taken", shall be made in writing to the competent authorities and to the Turkish Grand National Assembly. The results are made known to the petitioners in writing as well. Law No. 3071 of 1 November 1984 sets out the procedure on the right to petition. Those petitions that concern matters that fall within the competence of the judiciary may not be considered under this procedure. Petitions before the Turkish Grand National Assembly should be reviewed and finalized within 60 days by the Commission for Petitions.

Issues and proceedings before the Committee concerning admissibility

7.1 In accordance with rule 64 of its rules of procedure, the Committee shall decide whether the communication is admissible or inadmissible under the Optional Protocol.

7.2 In accordance with rule 66 of its rules of procedure, the Committee may decide to consider the question of admissibility and merits of a communication separately.

7.3 The Committee notes that the State party argues that the communication ought to be declared inadmissible under article 4, paragraph 2 (a) of the Optional Protocol because the European Court of Human Rights had examined a case that was similar. The author assures the Committee that she has not submitted her complaint to any other international body and points to the dissimilarities between the case of Leyla Şahin v. Turkey and her own complaint. In its early case law, the Human Rights Committee pointed out that the identity of the author was one of the elements that it considered when deciding whether a communication submitted under the Optional Protocol to the International Covenant on Civil and Political Rights, was the same matter that was being examined under another procedure of international investigation or settlement. In Fanali v. Italy (communication No. 075/1980) the Human Rights Committee held:

> "the concept of 'the same matter' within the meaning of article 5 (2) (a) of the Optional Protocol had to be understood as including the same claim

concerning the same individual, submitted by him or someone else who has the standing to act on his behalf before the other international body".

The Committee on the Elimination of Discrimination against Women concludes that the present communication is not inadmissible under article 4, paragraph 2 (a) of the Optional Protocol to the Convention — already, because the author is a different individual than Leyla Şahin, the woman to whom the State party referred.

7.4 In accordance with article 4, paragraph 2 (e) of the Optional Protocol, the Committee shall declare a communication inadmissible where the facts that are the subject of the communication occurred prior to the entry into force of the Protocol for the State party concerned unless those facts continued after that date. In considering this provision, the Committee notes the State party's argument that the crucial date was 9 June 2000, when the author was dismissed from her position as a teacher. This date preceded the entry into force of the Optional Protocol for Turkey on 29 January 2003. The Committee notes that as a consequence of her dismissal, the author has lost her status as a civil servant in accordance with article 125E/a of the Public Servants Law No. 657. The effects of the loss of her status are also at issue, namely her means of subsistence to a great extent, the deductions that would go towards her pension entitlement, interest on her salary and income, her education grant and her health insurance. The Committee therefore considers that the facts continue after the entry into force of Optional Protocol for the State party and justify admissibility of the communication *ratione temporis*.

7.5 Article 4, paragraph 1 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (the domestic remedies rule) precludes the Committee from declaring a communication admissible unless it has ascertained that "all available domestic remedies have been exhausted unless the application of such remedies is unreasonably prolonged or unlikely to bring effective relief". The domestic remedies rule should guarantee that States parties have an opportunity to remedy a violation of any of the rights set forth under the Convention through their legal systems before the Committee considers the violation. This would be an empty rule if authors were to bring the substance of a complaint to the Committee that had not been brought before an appropriate local authority. The Human Rights Committee requires the same of authors of communications submitted under the Optional Protocol to the International Covenant on Civil and Political Rights.[b]

7.6 The Committee notes that the first time that the author refers to filing an appeal was in respect of a warning and a deduction in her salary for wearing a headscarf at the school where she taught in July of 1999. She stated that in her petition to the court she declared that the penalty for her infraction should have been a warning and not a "higher prosecution". On this occasion, the author did not raise the issue of discrimination based on sex. The author was pardoned under Amnesty Law No. 4455. The next opportunity to raise the subject of sex-based discrimination came in February 2000, when the author defended herself while she was under investigation for having allegedly entered a classroom with her hair covered and "with ideological and political objectives she spoilt the peace, quiet and work harmony of the institution". The author focused on political and ideological issues in her defence. She challenged the Ministry of Education to prove when and how she had spoilt the peace and quiet of the institution. Her lawyer defended her before the Higher Disciplinary Council by arguing over a mistake in law. Her lawyer also claimed that freedom of work, religion, conscience, thought and freedom of choice, the prohibition of discrimination and immunity of person, the right to develop one's physical and spiritual being and national and international principles of law will all be violated if the author were to be punished. When the author appealed against her dismissal from State service to Erzurum Administrative Court on 23 October 2000 she based her claims on nine grounds — none of which were discrimination based on her sex. On 15 May 2001, the author appealed to the Council of State against the decision of Erzurum Administrative Court. Again, she failed to raise sex-based discrimination. On 9 April 2003 the last decision was handed down against the author. The Committee notes that the author pursued no further domestic remedies.

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[b] See for example, Antonio Parra Corral v. Spain (communication No. 1356/2005), para. 4.2.

7.7 In sharp contrast to the complaints made before local authorities, the crux of the author's complaint made to the Committee is that she is a victim of a violation by the State party of article 11 of the Convention by the act of dismissing her and terminating her status as a civil servant for wearing a headscarf, a piece of clothing that is unique to women. By doing this, the State party allegedly violated the author's right to work, her right to the same employment opportunities as others, as well as her right to promotion, job security, pension rights and equal treatment. The Committee cannot but conclude that the author should have put forward arguments that raised the matter of discrimination based on sex in substance and in accordance with procedural requirements in Turkey before the administrative bodies that she addressed before submitting a communication to the Committee. For this reason, the Committee concludes that domestic remedies have not been exhausted for purposes of admissibility with regard to the author's allegations relating to article 11 of the Convention on the Elimination of All Forms of Discrimination against Women.

7.8 The Committee notes that the State party drew attention to other remedies that would have been available of which the author did not make use — namely review ("revision of judgement"), the complaints procedure under article 74 of the Turkish Constitution and a procedure under the Regulation on the Complaints and Applications by Civil Servants. However, the Committee considers that the information provided to it on the relief that might reasonably have been expected from the use of the remedies is insufficiently clear to decide on their efficacy in relation to article 4, paragraph 1 of the Optional Protocol. In any event the Committee considers it unnecessary to make this determination or whether the communication is inadmissible on any other grounds.

7.9 The Committee therefore decides:

(a) That the communication is inadmissible under article 4, paragraph 1, of the Optional Protocol for failure to exhaust domestic remedies;

(b) That this decision shall be communicated to the State party and to the author.

Annex II

Guidelines for submission of reports by United Nations specialized agencies and other bodies

1. The Committee notes that article 22 of the Convention on the Elimination of All Forms of Discrimination against Women provides an opportunity for specialized agencies of the United Nations to contribute to the work of the Committee. The Committee underlines that the contributions of specialized agencies, as well as those of United Nations funds, programmes and other entities are critical in the full implementation of the Convention at the national level.

2. The present guidelines refer to two aspects of the work of the United Nations specialized agencies and other bodies. One relates to the country-specific information that the agencies and bodies can provide to the Committee; and the other to the work of these agencies and bodies in contributing to the implementation of the Convention.

3. Country-specific information and reports provided by the entities of the United Nations system to the Committee, as well as the dialogue between the Committee and representatives of those entities contribute significantly to the Committee's work of monitoring the implementation of the Convention in States parties. At its twenty-fifth session (suggestion 25/2), the Committee adopted guidelines for the reports of United Nations bodies and specialized agencies. In the light of the experience gained since that session, the Committee has revised its guidelines to further clarify the content of reports it encourages the specialized agencies and other bodies of the United Nations system to submit to the Committee, as well as their format and presentation to the Committee so as to enhance cooperation between the Committee and such entities. The Committee underlines the usefulness of country-specific information from the United Nations system for its constructive dialogue with reporting States.

4. The Committee requests United Nations specialized agencies and other bodies to continue to contribute to the efforts of Governments and non-governmental organizations at the national level towards implementation of the Convention, and encourages entities that so far have not, or only sporadically, contributed to the Committee's work, to increase their involvement.

5. In this context, it recommends that United Nations reports contain the following information.

A. Content of information provided

6. The Committee underlines the importance of receiving information, wherever possible and applicable, from the country-based offices of the entities concerned and that the information provided should reflect the entity's own knowledge and expertise.

(a) Country-specific information on the situation of women in regard to relevant articles of the Convention and their implementation in the State party, within the scope of work of the reporting entity;

(b) Country-specific information about the State party's implementation of the Convention and follow-up to the Committee's concluding comments in areas falling within the scope of work of the reporting entity;

(c) Information about the efforts made by the concerned United Nations agency or body to promote implementation of the provisions of the Convention and the Committee's concluding comments through its own policies and programmes. This information should indicate the manner in which the entity concerned uses the Convention and the Committee's concluding comments in its policies and programming activities;

(d) As applicable, information about ongoing efforts towards supporting the ratification of the Optional Protocol, and acceptance of the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time in the State party concerned, or efforts to give publicity to the procedures available under the Optional Protocol.

B. Format of information and presentation to the Committee

7. The Committee finds it most beneficial to be given succinct, country-specific written reports. This information should, to the extent possible, be made available already to the pre-session working group of the Committee that prepares the list of issues and questions for the country concerned. This information should be updated, as appropriate, and presented to the Committee during the closed meetings which the Committee convenes at each session with representatives of the United Nations system. The Committee underlines that during the oral presentation, only highlights of the written submission should be flagged. The focus of the oral presentation, for which only limited time is available, should be on the most critical issues that have an impact on women's enjoyment of human rights and implementation of the Convention in the State party.

8. The Committee recommends that the oral presentation be made by a designated representative of the United Nations specialized agency or body who is fully familiar with the situation and is equipped to respond to the questions and comments that may be raised by members of the Committee.

C. Other matters

9. The Committee further emphasizes that it would welcome, from time to time, holding a dialogue and exchange of views with heads, or senior officials, of specialized agencies, funds, programmes and other entities that contribute to the implementation of the Convention.

Annex III

Letter from the Deputy Permanent Representative of Israel to the United Nations addressed to the Chairperson of the Committee on the Elimination of Discrimination against Women and response of the Chairperson

Letter dated 10 August 2005 from the Deputy Permanent Representative of Israel to the Chairperson

I would like to express our appreciation for your expertise and leadership in the recent session of the Committee on the Elimination of All Forms of Discrimination against Women. Your guidance and stewardship proved invaluable to the productivity of the debates and the moving forward of the conference agenda.

The State of Israel attached great importance to the session as was evident in the level of its delegation. The preparations for the session were both extensive and thorough and the delegation was well prepared to answer a wide range of questions on the progress made in the areas of interest.

Unfortunately, however, some experts who chose to focus their questions on political rather than professional issues disproportionately and unjustifiably politicized the dialogue. Efforts by the delegation of Israel to maintain a strictly professional and a matter-of-fact approach throughout the discussion were not met with the expected response. We regret that, due to this state of affairs, the opportunity to engage in a fully constructive dialogue with the Committee was somewhat missed.

Although we value your opportune intervention, which helped to defuse the undesirable tension, we were particularly troubled by the approach of Krisztina Morvai, which we found to be aggressive at best and outright hostile more often than not. Ms. Morvai created an atmosphere that stands in clear contradiction to the goals of the Convention specifically and the Division for the Advancement of Women and the United Nations in general. In the interest of safeguarding the future efficacy of the work of the Committee, we wish therefore to highlight Ms. Morvai's unprofessional attitude and express our sincere hope that such conduct is not repeated.

I kindly ask that you give serious consideration to this matter as well as the means to tackle it, so that the good practices that have become a tradition in the discussions of the Committee remain untarnished. I would kindly request that you circulate this letter as an official document of the Committee and bring it to the attention of all members of the Committee.

Should you wish to further discuss the matter, please do not hesitate to call upon me.

(*Signed*) Daniel **Carmon**
Ambassador
Deputy Permanent Representative

Letter dated 3 February 2006 from the Chairperson of the Committee addressed to the Deputy Permanent Representative of Israel

I refer to your letter of 10 August 2005, concerning the consideration of Israel's third periodic report by the Committee on the Elimination of Discrimination against Women at its thirty-third session, held from 5 to 22 July 2005.

Having considered the letter in closed meetings, the Committee disagrees with the assertion that the constructive dialogue held between the Committee and the State party was disproportionately politicized, and is of the view that the dialogue took place in accordance with the usual procedure. The Committee stresses that the promotion of equality of women and men, and thus matters covered by the Convention on the Elimination of All Forms of Discrimination against Women, is inherently political.

The Committee also highlights that experts serve in their personal capacity, as outlined in article 17 of the Convention. Experts perform their duties and exercise their powers as members of the Committee within the solemn declaration they make upon assumption of those duties.

(*Signed*) Rosario G. **Manalo**
Chairperson
Committee on the Elimination of Discrimination against Women

Annex IV

Letters from the Chairperson of the Committee addressed to the Secretary-General and to the United Nations High Commissioner for Human Rights

Letter dated 3 February 2006 from the Chairperson to the Secretary-General

On behalf of the Committee on the Elimination of Discrimination against Women, I wish to express our sincere appreciation for the prominence given to the promotion and protection of human rights in the current reform efforts of the United Nations. The Committee takes a keen interest in the ongoing discussions concerning the reform of the United Nations human rights treaty bodies.

The Committee strongly supports reform efforts that will lead to the strengthened implementation of human rights treaty obligations and the better and more effective enjoyment of human rights and fundamental freedoms at the national level.

The Committee was very pleased with the opportunity to hold a discussion at its current session with the United Nations High Commissioner for Human Rights, who shared with us her vision and objectives in pursuing the current reforms. The Committee nevertheless is of the view that the information at its disposal at the moment is insufficient to assess all implications for women's human rights of the proposed unified treaty body, or unified treaty body system. No clear and coherent understanding for the future of women's human rights within the human rights system of the United Nations has emerged. The Committee intends to continue to discuss all related aspects contained, inter alia, in the forthcoming concept paper of the High Commissioner, with a view to transmitting the Committee's position to her at its thirty-fifth session in May/June 2006.

The Committee therefore is of the view that no decision should be taken at the present time on the question of a possible transfer of the Committee and its secretariat. Instead, the Committee strongly recommends that further reflection take place once the details of the reform proposals are available, and that its own inputs be taken into consideration in the decision-making process.

The Committee stands ready to consider all options that take into consideration the specificity of discrimination against women addressed under the Convention, and which remains widespread all over the world, as well as the need for ensuring full and targeted attention to the protection and promotion of women's human rights. A copy of my letter addressed to the High Commissioner is attached (see below).

(*Signed*) Rosario G. **Manalo**
Chairperson
Committee on the Elimination of Discrimination against Women

Letter dated 3 February 2006 from the Chairperson to the United Nations High Commissioner for Human Rights

On behalf of the Committee on the Elimination of Discrimination against Women, I wish to express our deep appreciation for our meeting on 27 January which provided Committee members with a much welcome opportunity to hear firsthand from you your vision and objectives in pursuing the proposals for reform of the United Nations human rights system in general and in particular the proposed reform of the human rights treaty bodies.

The Committee strongly supports reform efforts of the human rights treaty body system that will lead to strengthened implementation of treaty obligations by States parties and thereby enhanced enjoyment by women of their human rights at the national level. The human rights treaty bodies have a critical role in monitoring compliance with these obligations. During the past 25 years of its work, the Committee on the Elimination of Discrimination against Women has consistently placed highest priority on supporting the implementation of the Convention and practical realization of the principle of equality of women and men in the 180 States that are now party to the Convention.

The Committee wishes to thank you for the discussion on issues of treaty body reform. Experts have carefully considered your comments, and we very much welcome the centrality which you intend to place on women's human rights within the proposed new human rights machinery. While the question of the institutional location of the Committee on the Elimination of Discrimination against Women and its servicing within your reform proposals formed part of the discussion, no clear and coherent understanding for the future of women's human rights within the human rights system of the United Nations has emerged. In this regard, the Committee wishes to reiterate the specificity of discrimination against women addressed under the Convention, which remains widespread all over the world, as well as the need for ensuring full and targeted attention to the promotion and protection of women's human rights.

Following our discussion, the Committee is of the view that the information at our disposal at the moment is insufficient to assess all implications for women's human rights of the proposed unified treaty body, or unified treaty body system, and thus for the implementation of the mandate of the Committee on the Elimination of Discrimination against Women. We have taken note that your concept paper on these matters is expected to become available well before the Committee's informal meeting in Berlin in early May. We will take into account the additional information it will provide in developing our position in regard to your proposals, including their feasibility from a legal point of view.

The Committee considers that its primary responsibility is the continuing effective discharge of its mandate under the Convention on the Elimination of All Forms of Discrimination against Women for the benefit of the full enjoyment of human rights by women worldwide. It therefore urges that no decision be taken on the question of a possible transfer of the Committee and its secretariat at the present time. Instead, the Committee strongly recommends that we reflect further on the proposals already on the table, as well as the further details that will become available soon. The Committee would also welcome an opportunity for further direct discussion with you once we have had a chance to study your concept paper.

(*Signed*) Rosario G. **Manalo**
Chairperson
Committee on the Elimination of Discrimination against Women

Part two

Report of the Committee on the Elimination of Discrimination against Women on its thirty-fifth session

Chapter I

Matters brought to the attention of States parties

Decisions

Decision 35/I

The Committee adopted its working methods pertaining to its meetings in parallel chambers (see paras. 364-369).

Decision 35/II

The Committee adopted a statement, "Towards a harmonized and integrated human rights treaty bodies system", as its contribution to the reform discussion concerning the treaty bodies. It decided to bring the statement to the attention of the fifth Inter-Committee Meeting for discussion and support (see annex I to part two of the present report).

Chapter II

Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the Optional Protocol

1. As at 2 June 2006, the closing date of the thirty-fifth session of the Committee on the Elimination of Discrimination against Women, there were 183 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981. Forty-seven States parties had accepted the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time.

2. On the same date, there were 78 States parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 54/4 of 6 October 1999 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with article 16, the Optional Protocol entered into force on 22 December 2000.

3. A list of States parties to the Convention, a list of States parties that have accepted the amendment to article 20, paragraph 1, concerning the Committee's meeting time and a list of States parties that have signed, ratified or acceded to the Optional Protocol to the Convention are contained in annexes I to III to part three of the present report.

B. Opening of the session

4. The Committee held its thirty-fifth session at United Nations Headquarters from 15 May to 2 June 2006. The Committee held 18 plenary meetings (720th to 737th) and held 10 meetings to discuss agenda items 4, 5, 6 and 7. A list of the documents before the Committee is contained in annex IV to part three of the present report.

5. The session was opened by the Committee's Chairperson, Rosario Manalo.

6. The Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Rachel Mayanja, and the Director of the Division for the Advancement of Women, Carolyn Hannan, addressed the Committee at its 720th meeting.

C. Adoption of the agenda

7. The Committee considered the provisional agenda (CEDAW/C/2006/II/1 and Corr.1) at its 720th meeting. The agenda was adopted as follows:

1. Opening of the session.

2. Adoption of the agenda and organization of work.

3. Report of the Chairperson on activities undertaken between the thirty-fourth and thirty-fifth sessions of the Committee.

4. Consideration of the reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.

6. Ways and means of expediting the work of the Committee.

7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

8. Provisional agenda for the thirty-sixth session.

9. Adoption of the report of the Committee on its thirty-fifth session.

D. Report of the pre-session working group

8. At the 720th meeting, Maria Regina Tavares da Silva introduced the report of the pre-session working group. The pre-session working group for the thirty-fifth session of the Committee met from 6 to 10 February 2006.

E. Organization of work

9. At the 720th meeting, the Chief of the Women's Rights Unit, Division for the Advancement of Women, Christine Brautigam, introduced item 5, implementation of article 21 of the Convention (CEDAW/C/2006/II/3 and Add. 3 and 4), and item 6, ways and means of expediting the work of the Committee (CEDAW/C/2006/I/4).

10. On 15 May 2006, the Committee held a closed meeting with representatives of specialized agencies and bodies of the United Nations in which country-specific information was provided as well as information on the efforts made by the body or entity concerned to promote the provisions of the Convention at the national and regional levels through its own policies and programmes.

11. On 15 and 22 May, the Committee held informal public meetings with representatives of non-governmental organizations, who provided information about the implementation of the Convention in States reporting at the thirty-fifth session, namely Bosnia and Herzegovina, Cyprus, Guatemala, Malaysia, Malawi, Romania, Saint Lucia and Turkmenistan.

12. On 1 June 2006, the Committee held a meeting with States parties, for the main purpose of briefing them on the working methods the Committee will apply when meeting in parallel chambers.

F. Membership of the Committee

13. All members except Tiziana Maiolo and Krisztina Morvai attended the session. The following members attended the session as indicated: Naéla Gabr (16 to 23 May).

14. A list of members of the Committee, indicating the duration of their terms of office, is contained in annex V to part three of the present report.

hapter III

Report of the Chairperson on the activities undertaken between the thirty-fourth and thirty-fifth sessions

15. At the 720th meeting, the Chairperson reported on her activities undertaken since the thirty-fourth session. She highlighted her participation in the fiftieth session of the Commission on the Status of Women.

Chapter IV

Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

16. At its thirty-fifth session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the combined initial and second periodic reports of two States parties; the combined initial, second and third periodic report of one State party; the combined initial, second, third, fourth, fifth and sixth periodic report of one State party; the combined second, third, fourth and fifth periodic report of one State party; the combined third, fourth and fifth periodic report of one State party; and the sixth periodic report of two States parties.

17. The Committee prepared concluding comments on each of the States parties' reports considered. The Committee's concluding comments are set out below.

B. Consideration of reports of States parties

1. Combined initial and second periodic reports

Malaysia

18. The Committee considered the combined initial and second periodic report of Malaysia (CEDAW/C/MYS/1-2) at its 731st and 732nd meetings, on 24 May 2006 (see CEDAW/C/SR.731 and 732). The Committee's list of issues and questions is contained in CEDAW/C/MYS/Q/2, and Malaysia's responses are contained in CEDAW/C/MYS/Q/2/Add.1.

Introduction

19. The Committee expresses its appreciation to the State party for its combined initial and second report, while regretting that it was overdue and did not fully comply with the Committee's guidelines for preparation of reports or refer to the Committee's general recommendations. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, and for the oral presentation and further clarifications in response to questions posed orally by the Committee.

20. The Committee commends the State party on its delegation headed by the Secretary-General of the Ministry of Women, Family and Community Development, and which included representatives of other ministries with responsibility for implementation of the Convention. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the real situation of women in Malaysia.

21. The Committee commends the State party on the withdrawal of reservations, made upon ratification, to articles 2 (f), 9 (1), 16 (b), (d), (e) and (h). The Committee notes that the State party is considering withdrawing its reservations to article 5 (a) and 7 (b).

Positive aspects

22. The Committee commends the State party for achievements in the field of women's education. It congratulates the State party on the establishment of a Cabinet Committee on Gender Equality and gender focal points in various ministries, and for its amendments to (i) the Pensions Act to ensure that widows of civil servants do not lose their pensions upon remarriage, (ii) the Land (Group Settlement Areas) Act to allow wives or ex-wives of settlers to become joint owners of the settlement, and (iii) the Penal Code to increase penalties for rape and incest.

23. The Committee also commends the State party for its continued efforts to establish legal reforms on violence against women, including its current initiatives to amend (i) the Domestic Violence Act to broaden the definition of domestic violence and to improve measures to protect victims, and (ii) the Employment Act of 1955, the Industrial Relations Act of 1967 and the Occupational Safety and Health Act of 1994 by adding provisions prohibiting sexual harassment.

Principal areas of concern and recommendations

24. The Committee is concerned that the Convention is not yet part of Malaysian law and thus its provisions are not enforceable in domestic courts. While appreciating that the State party amended Article 8 (2) of the Federal Constitution in 2001 to prohibit discrimination on the basis of gender, the Committee is concerned about the narrow interpretation given to this article by Malaysian courts. The Committee expresses concern that neither the Federal Constitution nor other legislation of the State party contains a definition of discrimination against women, in accordance with article 1 of the Convention, or the principle of equality of men and women, in line with article 2 (a) of the Convention.

25. **The Committee calls on the State party to take immediate measures to ensure that the Convention and its provisions are incorporated into national law and become fully applicable in the domestic legal system. The Committee urges the State party to incorporate in its Constitution and/or other appropriate national legislation, the definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention. The Committee further recommends that the State party enact and implement a comprehensive law reflecting substantive equality of women with men in both public and private spheres of life. It also recommends that the State party include adequate sanctions for acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated.**

26. While welcoming the State party's assurances that it is reviewing reservations to articles 5 (a) and 7 (b) with a view to removing them, the Committee is concerned that the State party is not ready to similarly review and remove reservations to articles 9 (2), 16 (1) (a), 16 (1) (c), 16 (1) (f), 16 (1) (g) and 16 (2). The Committee is particularly concerned at the State party's position that laws based on Syariah interpretation cannot be reformed.

27. **The Committee urges the State party to review all its remaining reservations with a view to withdrawing them, and especially reservations to article 16, which are contrary to the object and purpose of the Convention.**

28. While welcoming the fact that the Convention has been translated into *Bahasa Melayu*, Chinese and Tamil and disseminated to various women's non-governmental

organizations and appreciating the State party's initiative to create a children's handbook on the Convention, the Committee is concerned that the provisions of the Convention are not widely known by judges, lawyers and prosecutors.

29. **The Committee calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination.**

30. The Committee is concerned about the existence of the dual legal system of civil law and multiple versions of Syariah law, which results in continuing discrimination against women, particularly in the field of marriage and family relations. The Committee is also concerned about the State party's restrictive interpretation of Syariah law, including in the recent Islamic Family Law (Federal Territories) Amendment Act 2005, which adversely affects the rights of Muslim women. The Committee is further concerned about the lack of clarity in the legal system, particularly as to whether civil or Syariah law applies to the marriages of non-Muslim women whose husbands convert to Islam.

31. **The Committee urges the State party to undertake a process of law reform to remove inconsistencies between civil law and Syariah law, including by ensuring that any conflict of law with regard to women's rights to equality and non-discrimination is resolved in full compliance with the Constitution and the provisions of the Convention and the Committee's general recommendations, particularly general recommendation 21 on equality in marriage and family relations. In this regard, it encourages the State party to obtain information on comparative jurisprudence and legislation, where more progressive interpretations of Islamic law have been codified in legislative reforms. It also encourages the State party to take all necessary steps to increase support for law reform, including through partnerships and collaboration with Islamic jurisprudence research organizations, civil society organizations, women's non-governmental organizations and community leaders. The Committee further recommends that a strong federal mechanism be put in place to harmonize and ensure consistency of application of Syariah laws across all States.**

32. While noting the work of the Ministry of Education in providing guidelines to writers and publishers of school textbooks to eliminate gender stereotypes from school books, the Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life.

33. **The Committee calls upon the State party to implement comprehensive measures to bring about change in the widely accepted stereotypical roles of men and women. Such measures should include awareness-raising and educational campaigns addressing women and men, girls and boys, and religious leaders with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention.**

34. While appreciating the State party's policy of at least 30 per cent women in decision-making levels in the public sector and noting that the Ministry of Women, Family and Community Development is working with the United Nations Development Programme to develop an action plan to implement this policy, the Committee is concerned about the low level of representation of women in public and political life and in decision-making positions, including in the foreign service. The Committee is also concerned about the level of representation of women at decision-making level in private sector organizations.

35. **The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women, in elected and appointed bodies in all areas of public life, including at the international level. The Committee invites the State party to also encourage political parties to use quotas. It recommends that the State party conduct training programmes on leadership and negotiation skills for current and future women leaders. It also encourages the State party to take measures that will lead to an increase in the number of women at the decision-making level in private sector organizations. It further urges the State party to undertake awareness-raising about the importance of women's participation in decision-making processes at all levels of society.**

36. While appreciating that the Ninth Malaysia Plan (2006-2010) aims to increase women's participation in the labour force, the Committee is concerned at the lack of employment opportunities for women despite the high level of education attained by girls and women. The Committee is further concerned that the preliminary findings of a study conducted to determine factors contributing to the mismatch between women's educational achievements and their opportunities in the labour market indicate that employers have a preference for male employees due to strongly held stereotypes of men as being more independent workers. In this regard, the Committee notes with concern that restrictions on women's employment, as well as protective employment legislation, policies and benefits for women, perpetuate traditional stereotypes regarding women's roles and responsibilities in public life and in the family.

37. **The Committee urges the State party to intensify its efforts towards accelerating the achievement of de facto equal opportunities for women with men in the area of employment through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25. The Committee recommends that monitoring measures be introduced to ensure effective implementation of efforts to promote change concerning the stereotypical expectations of women's roles and the equal sharing of domestic and family responsibilities between women and men, including by making the flexible work arrangements envisaged in the Ninth Malaysia Plan equally available to women and men.**

38. While noting the various initiatives taken by the State party to address violence against women, the Committee is concerned about the reluctance of the State party to criminalize marital rape. In particular, the Committee is concerned that the proposal before Parliament on this issue is narrowly tailored to criminalize

sexual assault based on use of force and death threats by the husband, rather than marital rape based on lack of consent of the wife.

39. **The Committee requests the State party to enact legislation criminalizing marital rape, defining such rape on the basis of lack of consent of the wife.**

40. The Committee is concerned that the State party has not enacted legislation on trafficking and has not established a comprehensive plan to prevent and eliminate trafficking in women and to protect victims. It is further concerned that women and girls who have been trafficked may be punished for violation of immigration laws and are thus revictimized. In addition, the Committee is concerned about the lack of systematic data collection on this phenomenon.

41. **The Committee urges the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementary to the United Nations Convention against Transnational Organized Crime and to intensify its efforts to combat all forms of trafficking in women and girls, including by enacting specific and comprehensive legislation on the phenomenon. The Committee further calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin and transit so as to address more effectively the causes of trafficking, and improve prevention of trafficking through information exchange. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. The Committee urges the State party to ensure that trafficked women and girls are not punished for violations of immigration laws and have adequate support to be in a position to provide testimony against their traffickers.**

42. While noting the memorandum of understanding between the State party and the Government of Indonesia that regulates the rights of Indonesian migrant workers in Malaysia and the establishment of a Cabinet Committee on Foreign Workers, the Committee is concerned about the lack of legislation and policies on the rights of migrant workers, particularly migrant domestic workers who are mostly women, including employment rights and rights to seek redress in cases of abuse.

43. **The Committee urges the State party to enact comprehensive laws and establish procedures to safeguard the rights of migrant workers, including migrant domestic workers. The Committee calls upon the State party to provide migrant workers viable avenues of redress against abuse by employers and permit them to stay in the country while seeking redress. The Committee further urges the State party to make migrant workers aware of such rights.**

44. The Committee is concerned that the State party has not enacted any laws or regulations concerning the status of asylum-seekers and refugees. In particular, the Committee is concerned that asylum-seekers and refugees, including women, are prosecuted for immigration-related offences and may be indefinitely detained at immigration detention centres or deported.

45. **The Committee recommends that the State party adopt laws and regulations relating to the status of asylum-seekers and refugees in Malaysia, in line with international standards, in order to ensure protection for asylum-seekers and refugee women and their children. The Committee further**

recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status, in close cooperation with appropriate international agencies in the field of refugee protection, in particular the Office of the High Commissioner for Refugees.

46. The Committee is concerned that the report did not provide information about the position of women from various ethnic groups in all areas covered by the Convention. In addition, the Committee regrets that the information provided on rural women was out of date and did not present a current picture of the situation of rural women.

47. **The Committee urges the State party to include in its next report, data disaggregated by sex and ethnicity in all areas covered by the Convention and current sex-disaggregated data and information on the de facto position of rural women in all sectors.**

48. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

49. **The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to continue to consult with non-governmental organizations during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.**

50. **The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

51. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

52. **The Committee notes that States' adherence to the seven major international human rights instruments**[1] **enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Malaysia to consider ratifying the treaties to which it is not yet a party, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

53. **The Committee requests the wide dissemination in Malaysia of the present concluding comments in order to make the people of Malaysia, including government officials, politicians, parliamentarians and women's and human**

rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human-rights organizations, the Convention, the Optional Protocol thereto, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

54. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its third periodic report, which was due in August 2004 and its fourth periodic report, which is due in August 2008, in a combined report in 2008.**

Turkmenistan

55. The Committee on the Elimination of Discrimination against Women considered the combined initial and second periodic report of Turkmenistan (CEDAW/C/TKM/1-2) at its 723rd and 724th meetings, on 17 May 2006 (see CEDAW/C/SR.723 and 724). The Committee's list of issues and questions is contained in document CEDAW/C/TKM/Q/2 and Turkmenistan's responses are contained in document CEDAW/C/TKM/Q/5/Add.1.

Introduction

56. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations. It expresses its appreciation to the State party for its combined initial and second periodic report, while regretting that the report was overdue and that the State party provided insufficient information on the implementation of the provisions of the Convention, did not fully comply with the Committee's guidelines for preparation of reports and did not clarify whether general recommendations had been taken into account.

57. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group, while regretting that the written submission was very late and did not directly address many of the questions raised.

58. The Committee expresses its appreciation to the State party for the constructive dialogue and the efforts made by the delegation, headed by the Permanent Representative of Turkmenistan to the United Nations, to respond to the questions raised by the Committee. It notes that the delegation did not include any representatives from the national machinery for the advancement of women or other relevant ministries or offices, which limited the ability of the delegation to provide succinct, clear and direct answers to all the questions raised by the Committee during the dialogue.

Positive aspects

59. The Committee commends the State party for having ratified most international human rights instruments. It welcomes the statement by the delegation that there are no obstacles hindering the State party's future ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the acceptance of the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

60. The Committee welcomes the fact that the Convention has been translated into the Turkmen language.

61. The Committee welcomes the State party's collaboration with respect to the implementation of the Convention with specialized agencies and other entities and bodies of the United Nations system, such as the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA).

Principal areas of concern and recommendations

62. The Committee regrets the lack of precise and reliable statistical data disaggregated by sex in the report and the written responses, which makes it difficult to assess accurately the actual situation of women in regard to all areas covered by the Convention and whether direct or indirect forms of discrimination exist. While noting that the State party is in the early stages of developing such data in the areas of education and public health, the Committee is concerned that the lack of data is also an impediment to evaluate the impact of measures taken by the State party and results achieved.

63. **The Committee calls upon the State party to put in place expeditiously a comprehensive system of data collection in all areas covered by the Convention so as to assess the actual situation of women and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards the realization of women's de facto equality. It invites the State party, as necessary, to seek international technical assistance for the development of such data collection and analysis efforts. It encourages the State party to use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, in regard to the provisions of the Convention, indicating the impact of measures taken and of results achieved in the practical realization of women's de facto equality.**

64. The Committee is concerned that it did not receive sufficient information about the status of the Convention in the domestic legal system. While noting that the Constitution of Turkmenistan, in its article 18, declares that women and men have equal civil rights and that a violation of equality based on gender is punishable by law, the Committee is concerned that the State party's legislation does not contain a definition of discrimination in accordance with article 1 of the Convention. The Committee is also concerned about the apparent limited understanding in the State party of the concept of formal and substantive equality

contained in the Convention and its prohibition of direct and indirect discrimination against women. The Committee is further concerned that gender-neutral laws may perpetuate indirect discrimination against women.

65. **The Committee requests the State party to clarify the status of the Convention in the domestic legal system and to incorporate fully the definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, in its Constitution or other appropriate national legislation. It also calls upon the State party to take immediate measures to ensure that the provisions of the Convention are fully applicable in the domestic legal system. It further urges the State party to undertake, without delay, measures to eliminate discrimination against women and ensure de jure (formal) and de facto (substantive) equality between women and men in line with the Convention.**

66. The Committee is concerned that it did not receive sufficient information on the awareness and training programmes on the Convention for the judiciary and the legal and law enforcement professions. It is also concerned that the lack of examples of any court cases that invoked the Convention in the 10 years since its ratification is indicative of the lack of knowledge about the Convention in the State party and the lack of its enforcement. The Committee notes with concern that a lack of effective procedural law hinders women's access to justice and that women find it difficult to present cases in court. In addition, it is concerned about women's limited knowledge of their rights and lack of capacity to claim them.

67. **The Committee calls upon the State party to ensure that the Convention and related domestic legislation are made an integral part of the education and training of judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. It invites the State party to introduce all necessary procedural laws to ensure women's access to justice, as well as to enhance women's awareness of their rights through legal literacy programmes and legal assistance so that they can claim all their rights. It encourages the State party to disseminate and raise awareness about the Convention, in particular the meaning and scope of direct and indirect discrimination, and formal and substantive equality, among the general public so as to create awareness of women's human rights. The Committee invites the State party to expand its online infrastructure and promote the use of media and information and communication technologies to facilitate access to the Convention and other information about women's human rights and formal and substantive equality, including through the introduction of universal access policies. It encourages the State party to support training and capacity-building for women and girls in the use of information and communication technologies, in particular in rural areas.**

68. The Committee is deeply concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society in Turkmenistan. Such stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life. The Committee expresses its particular concern about the stereotyping of women primarily as mothers, caregivers

and homemakers and that they are steered to educational and employment choices that are considered suitable for women.

69. **The Committee urges the State party to address directly stereotypical attitudes about the roles and responsibilities of women and men, including the hidden patterns that perpetuate direct and indirect discrimination against women and girls in all areas of their lives, embracing the areas of education and employment, in accordance with articles 2 (f) and 5 (a) of the Convention. This effort should include educational measures at all levels, beginning at an early age, the revision of school textbooks and curricula to promote equality of women and men and awareness-raising campaigns directed at both women and men.**

70. The Committee is concerned about the absence of a specific national machinery for the advancement of women, although the creation of a mechanism for the coordination of actions at the local, national and international levels was foreseen as one of the priorities of the National Plan of Action of 1999.

71. **The Committee urges the State party to put in place an institutional mechanism that recognizes the specificity of discrimination against women and is exclusively responsible for the promotion of formal and substantive equality and the monitoring of the practical realization of the principle of substantive equality of women and men. It calls upon the State party to endow at the highest political level such a mechanism with the necessary authority and human and financial resources to promote effectively the implementation of the Convention and enjoyment by women of their human rights across all fields by coordinating and monitoring gender mainstreaming in all areas. It encourages the State party to establish gender focal points in different ministries, provide them with adequate gender training and link them with the national machinery.**

72. The Committee is concerned about the limited scope of the National Plan of Action of 1999 and the insufficient information provided about its precise content. It also notes with concern that no assessment or impact analysis has been conducted of past policies, programmes and action plans on gender equality and that necessary corrective measures have not been taken.

73. **The Committee urges the State party to review the status of its National Plan of Action and include comprehensive measures for implementation of the Convention and the critical areas of concern contained in the Beijing Platform for Action. It calls upon the State party to undertake an assessment of its past policies and programmes on gender equality with a view to identifying shortcomings, gaps and lack of progress and use that assessment in any updating of the Plan. It also calls upon the State party to monitor systematically the implementation of its gender equality policies and programmes, assess their impact and the extent to which stated goals are achieved and undertake corrective measures whenever necessary. Moreover, it requests the State party to include, in its next periodic report, information on the impact of policies and programmes.**

74. While noting the work of the Union of Women of Turkmenistan, the Committee is concerned about the lack of information about civil society organizations, such as women's and human rights organizations, and their role in the

promotion of gender equality and implementation of the provisions of the Convention.

75. **The Committee urges the State party to provide an enabling environment for the establishment and active involvement of women's and human rights organizations to promote implementation of the Convention.**

76. The Committee is concerned about the State party's apparent lack of understanding of the purpose of and need for temporary special measures in accordance with article 4, paragraph 1, of the Convention.

77. **The Committee recommends that the State party establish the need for temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all sectors as part of a necessary strategy to accelerate the achievement of de facto equality between women and men. It calls upon the State party to consider implementing measures such as quotas, benchmarks, targets and incentives, in particular with regard to articles 7, 8, 10, 11 and 14 of the Convention.**

78. The Committee is concerned that the State party does not seem to be aware of the urgency of the existence of violence against women and that, as a result, there is a lack of specific legislation to deal with all forms of violence against women, including domestic violence, and a lack of protection measures and of services for victims, as well as an absence of prevention efforts. It notes with concern that there is no information on the incidence of violence against women.

79. **The Committee draws attention to its general recommendation 19 on violence against women. It urges the State party to acknowledge the existence of violence against women and to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention and to include the results in its next periodic report. It recommends that the State party adopt specific legislation on domestic violence, including marital rape, that ensures that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. It invites the State party to accord priority attention to the training of health and social workers, teachers, the judiciary and law enforcement personnel about violence against women so that they can respond effectively to it. Moreover, it encourages the State party to see to the provision of shelters and counselling services for victims of violence.**

80. The Committee is concerned about the low level of representation of women in public and political life and in decision-making positions, particularly at the local government level. It notes with concern the absence of pro-active measures to increase women's participation in political and public life.

81. **The Committee draws the attention of the State party to general recommendation 23 on the participation of women in public life and urges full implementation of the measures recommended therein. It urges the State party to take temporary special measures, including quotas, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 and to establish concrete goals and timetables to increase the number of women in political and public life and in decision-making positions.**

82. The Committee is concerned about the lack of policies and programmes for ethnic and national minority women and girls who remain in a vulnerable and marginalized situation, in particular with regard to access to education, health, employment and participation in political and public life. In this respect, it notes with concern the closure of Russian schools.

83. **The Committee urges the State party to implement effective measures to eliminate discrimination against ethnic and national minority women who, in fact, may suffer from multiple forms of discrimination and to enhance their enjoyment of human rights through targeted policies and programmes. It requests the State party to provide, in the next periodic report, a comprehensive picture of the de facto situation of ethnic and national minority women in the areas of education, health, employment and participation in political and public life, and of the efforts of the Government to eliminate discrimination against such women.**

84. The Committee welcomes the fact that general secondary education is compulsory and free, but expresses concern that compulsory education has been reduced from 11 to 9 years and that the implications of that reduction for girls and women have not been assessed, nor has the impact this may have had on the employment of teachers, who are mainly women. It also notes with concern the low percentage of women in higher education and the persistent stereotyping that results in women pursuing careers in areas traditionally seen as suitable to them. It notes further with concern that reproductive health education is not a compulsory subject in schools.

85. **The Committee urges the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women. It invites the State party to reconsider the reduction of years of compulsory education, in particular in light of its impact on women's educational and professional opportunities. It calls upon the State party to take temporary special measures to increase the number of women in higher education and to provide incentives for young women to enter male-dominated fields of study. It recommends that the State party include age appropriate reproductive health education in school curricula at all levels and channels of formal and non-formal education, taking into account the rights and the needs of adolescents. The Committee also recommends that teachers receive adequate training in this area.**

86. The Committee expresses concern that insufficient information was provided about women's de facto situation in the formal and informal labour markets. In particular, it lacks a clear picture with regard to women's participation in the labour force in urban and rural areas, their unemployment rates, vertical and horizontal occupational segregation and their ability to benefit from new economic opportunities. The Committee is concerned about discrimination against women as reflected in hiring processes and pay gaps. It notes with concern that women were disproportionately affected by the elimination of jobs in the health-care and education sectors.

87. **The Committee requests the State party to take concrete measures to eliminate occupational segregation and to ensure equal opportunities for, and equal treatment of, women and men in the labour market in accordance with article 11 of the Convention. The Committee calls upon the State party to**

provide in its next report detailed information, including statistical data indicating trends over time, about the situation of women in the fields of employment and work in the public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women.

88. The Committee is concerned that the Labour Code of Turkmenistan, which is overly protective of women as mothers and restricts women's economic opportunities in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender role stereotypes.

89. **The Committee requests the State party to address the practical and legal impediments women face in the labour force, in particular in light of article 11, paragraph 3, of the Convention. It encourages the State party to take effective measures to support the reconciliation of family and work responsibilities and to promote the sharing of domestic and family responsibilities between women and men.**

90. The Committee is concerned about the lack of information on women's health and implementation of article 12. It expresses concern that women's access to health-care services is not monitored and that there are no data to establish the de facto impact of measures taken in that area. The Committee notes the establishment of Health Houses in rural areas following a series of health reforms, but expresses concern about the cutbacks in the health sector, the closure of hospitals outside the capital and the effectiveness of the Health Houses.

91. **The Committee recommends that a broad framework for health services for women, in line with the Committee's general recommendation 24 on article 12 of the Convention, be put in place and that access to such services by women be monitored. It also recommends that the State party provide information, in its next periodic report, on women's health situation and their access to health-care services.**

92. The Committee is concerned about the situation of rural women and regrets that the report did not provide sufficient information on their de facto situation in all areas, including education, health and employment, and in regard to their access to credit, arable land and drinking water. It expresses its particular concern about the negative impact of customs, especially with regard to access to land and inheritance, which adversely affects the advancement of rural women and implementation of article 14 of the Convention.

93. **The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto situation of rural women in all areas and on concrete measures taken to implement article 14 of the Convention, including information on rural women's access to credit, and the impact of the decree of the President of Turkmenistan, dated 2 February 1993, on the right to own and use land in Turkmenistan, regarding women's access to land. It also requests the State party to provide information, in its next report, on the impact of village projects on women.**

94. The Committee expresses concern that although polygamy is illegal, it is nonetheless practised in some regions without being met by legal or social sanctions. While noting that the Marriage and Family Code establishes equal rights for women and men when they enter into marriage and equal responsibility for the

care of children after divorce, the Committee notes with concern that there are no laws protecting women involved in polygamous situations. It is also concerned that the legal age of marriage in Turkmenistan is 16.

95. **The Committee calls upon the State party to enforce its laws penalizing polygamy and to take comprehensive and effective measures aimed at eliminating polygamy, as called for in the Committee's general recommendation 21 on equality in marriage and family relations. It urges the State party to raise the legal age of marriage for women and men to 18 years, in line with article 16, paragraph 2, of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

96. The Committee is concerned about the lack of information about the exploitation of women in prostitution and of efforts to combat that phenomenon. It is also concerned about the lack of information regarding the extent of trafficking in women and measures taken to address that issue.

97. **The Committee urges the State party to pursue a holistic approach in order to provide women and girls with educational and economic alternatives to prostitution, facilitate the reintegration of prostitutes into society and provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution. It requests the State party to provide detailed information on trafficking in women and measures taken, including legislation, to prevent trafficking, protect victims and punish traffickers, as well as on the impact of such measures.**

98. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

99. **The Committee recommends that the State party avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the Convention. In that regard, the Committee encourages the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including UNDP, the United Nations Development Fund for Women, UNFPA, the World Health Organization, OHCHR and the Statistics Division and Division for the Advancement of Women in the Department of Economic and Social Affairs of the Secretariat.**

100. **The Committee encourages the State party, as necessary, to seek training and capacity-building for the preparation of its next periodic report. It urges the State party to establish a consultative mechanism to ensure the wide participation of all ministries and public bodies in, and hold consultations with a broad range of non-governmental organizations during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.**

101. **The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention and the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

102. **The Committee emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

103. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, it encourages the Government of Turkmenistan to consider ratifying the treaty to which Turkmenistan is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

104. **The Committee requests that the present concluding comments be widely disseminated in Turkmenistan, in Turkmen and all local languages, in order to make the people of Turkmenistan, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. It also requests the State party to disseminate widely, in particular to women's and human rights organizations, the Convention, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", in Turkmen and all local languages.**

105. **Emphasizing the relevance of timely submission of periodic reports for the protection and promotion of women's rights, the Committee requests the State party to submit its third periodic report, due in May 2006, and its fourth periodic report, due in May 2010, in a combined report in 2010. It also requests the State party to respond in that combined report to the concerns expressed in the present concluding comments. The Committee calls upon the State party to include in its delegation for consideration of that report representatives who have expertise in the broad range of areas covered by the Convention so as to ensure a constructive and fruitful dialogue.**

2. Combined initial, second and third periodic report

Bosnia and Herzegovina

106. The Committee considered the combined initial, second and third periodic report of Bosnia and Herzegovina (CEDAW/C/BIH/1-3) at its 721st and 722nd meetings, on 16 May 2006 (see CEDAW/C/SR.721 and 722). The Committee's list of issues and questions is contained in CEDAW/C/BIH/Q/3 and the responses of Bosnia and Herzegovina are contained in CEDAW/C/BIH/Q/3/Add.1.

Introduction

107. The Committee commends the State party for its succession to the Convention without reservations and expresses its appreciation to the State party for its combined initial, second and third periodic report, which was informative and

followed the Committee's guidelines for the preparation of reports, while regretting that it was overdue and that it did not state whether the Committee's general recommendations had been taken into account. It also commends the State party for the responses to the list of issues and questions posed by the Committee's pre-session working group, the oral presentation that placed the report within the complex political and administrative context of the country, and for the responses to the questions posed orally by the Committee.

108. The Committee commends the State party for having sent a delegation, headed by the Director of the Gender Equality Agency. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

109. The Committee commends the State party for having ratified the Optional Protocol in September 2002.

110. The Committee welcomes the State party's consultation of women's non-governmental organizations in the preparation of the report and the responses to the list of issues and questions.

111. The Committee notes with satisfaction that the State party covered the 12 critical areas of concern of the Beijing Declaration and Platform for Action in its draft national action plan on gender (2005), which has been integrated into the Draft Gender Action Plan to be submitted to the Council of Ministers in 2006.

Positive aspects

112. The Committee welcomes the establishment of the Gender Equality Agency at the State level as the national machinery for the advancement of women as well as the creation of Gender Centres in both entities (the Federation of Bosnia and Herzegovina and the Republika Srpska). It also appreciates the creation of institutional mechanisms for gender mainstreaming in the executive and legislative branches at the State, entity, cantonal and municipal levels of Government.

113. The Committee commends the Government on a range of legislative initiatives and related activities aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes the enactment of the Law on Gender Equality (2003) in Bosnia and Herzegovina that prohibits direct and indirect discrimination in the private and public domain in all sectors of society. In this context it appreciates the assistance of the State party through the United Nations Development Programme project, entitled "gender law implementation and subregional gender project", which aims at enhancing and accelerating implementation of this law through the creation of working groups to carry out analysis and make action-oriented recommendations.

114. The Committee welcomes recent developments with respect to the protection of women against violence, in particular the enactment of the law on protection against family violence in both entities. It appreciates the introduction of new police procedures in the Brčko District, the creation of focal points in the cantonal ministries for internal affairs in the Federation of Bosnia and Herzegovina, the promotion of an SOS hotline in the Republika Srpska to assist women victims of violence, as well as the adoption of anti-trafficking strategies and measures, such as the creation of a state coordinator against trafficking in human beings and illegal

immigration and an expert team consisting of representatives from various ministries and the Office of the State Prosecutor.

115. The Committee notes with appreciation the implementation of a number of projects and programmes for the advancement of women, including analysing textbooks for gender stereotyping in education; promoting gender sensitivity in the media; campaigns and other activities to encourage registration of Roma women; and gender training of relevant working groups within the Economic Policy Planning Unit, which is responsible for the development of the midterm development strategy.

Principal areas of concern and recommendations

116. While aware of the difficulties confronting the State party owing to the impact of the armed conflict and the political, economic and social transformation processes in the reconstruction period, the Committee is concerned that in the post-war period women's enjoyment of their human rights has been negatively affected by several factors: the lack of a gender analysis of the consequences of the armed conflict and the lack of women's participation in and gender analyses of the peace, reconstruction and transformation processes. The Committee is also concerned that the creation of a constitutional framework as well as of political and administrative structures based on ethnicity as the determining factor has contributed to a limited recognition and implementation of gender equality principles.

117. **The Committee urges the State party to comply with its obligations under the Convention to eliminate discrimination against women without delay, to include women in all political, economic and social transformation processes at the State, entity, cantonal and municipal levels on a basis of equality with men and to make gender analyses an integral part of these processes.**

118. Although all international human rights treaties, including the Convention, are directly applicable in the State party, the Committee is concerned that the Convention has yet to be invoked by women in domestic litigation and applied by the judiciary.

119. **The Committee urges the State party to ensure the de facto justiciability of the Convention's rights in all domestic courts and other mechanisms. It calls upon the State party to take additional measures to disseminate information about the Convention and implement programmes for prosecutors, judges, ombudspersons and lawyers that cover the application of the Convention and, in particular, its concepts of direct and indirect discrimination and of equality. It also recommends that sustained awareness-raising campaigns and legal training targeting women and non-governmental organizations working on women's issues, be undertaken to encourage and equip women to avail themselves of procedures and remedies for violations of their rights under the Convention.**

120. The Committee is concerned that the adoption of the Law on Gender Equality has not yet led to a harmonization, as required, of existing legislation with this law, although a large number of amendments have been formulated.

121. **The Committee recommends that the State party speed up the process of law harmonization in order to comply with its obligations under the Law on Gender Equality (art. 30, para. 2), and under all articles of the Convention and**

that it put in place procedures for the effective implementation and enforcement of these laws.

122. While commending the State party for the inclusion in article 18 of the Law on Gender Equality of the obligation to collect, record and process data disaggregated by sex in State and private bodies and institutions, the Committee remains concerned about the lack of up-to-date data on the general population and of data on women in particular, throughout the State party and in all areas covered by the Convention.

123. **The Committee requests the State party to prioritize data collection and include comprehensive sex-disaggregated statistical data in its next report so as to provide a full picture of the de facto enjoyment by women of their human rights. The Committee also recommends that the penalties foreseen for non-compliance under article 18 of the law on gender equality be applied.**

124. While welcoming the efforts of the newly established Gender Equality Agency, the Committee expresses its concern that this national machinery for the advancement of women, which is understaffed and underresourced, is unable to fully carry out its wide-ranging mandate as described in the Law on Gender Equality and that its positioning within one State-level ministry may create obstacles to its effectiveness in working with other ministries.

125. **The Committee recommends that the State party strengthen the Gender Equality Agency by giving it greater authority vis-à-vis relevant ministries and the Council of Ministers in its assessments of laws, acts and by-laws from a gender perspective, as well as with additional human and financial resources. It also recommends that the State party review the appropriateness of the location of the Gender Equality Agency in the Ministry of Human Rights and Refugees and consider establishing it as a body that would directly report to the Council of Ministers of Bosnia and Herzegovina. The Committee further recommends that the State party continue to raise awareness and build capacity of all Government agencies at the State, entity, cantonal and municipal levels with respect to their collective responsibility to implement the Convention.**

126. While welcoming the formulation of a draft gender action plan for the State party, which integrates the previous draft national action plan on gender, based on the Beijing Declaration and Platform for Action, the Committee is concerned that its adoption may be delayed by political processes and that its implementation may be impeded by insufficient understanding of Government officials in the relevant ministries at all levels which are responsible for its implementation as well as by a lack of funds.

127. **The Committee recommends that the draft gender action plan be speedily submitted to the Council of Ministers and to the Parliamentary Assembly so that its adoption may take place before the next election in 2006. The Committee also recommends that the State party immediately undertake efforts to continue gender training of Government officials at all levels and to allocate funds for the Plan's implementation by creating budget lines within the ministries charged with implementation as well as by soliciting international donors.**

128. The Committee is concerned about the persistence of deep-rooted, traditional patriarchal stereotypes regarding the role and responsibilities of women and men in

the family and in society at large, which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life.

129. **The Committee urges the State party to disseminate information on the Convention in programmes in the educational system, including human rights education and gender training, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.**

130. While recognizing the State party's legal and other efforts to address violence against women, the Committee is concerned that the legal texts adopted in both entities may allow for differing judicial interpretations and inconsistent application of penalties due to the fact that in the Federation of Bosnia and Herzegovina domestic violence is defined as a crime while in the Republika Srpska it is defined both as a crime and a misdemeanour. In addition, the implementation of the law is hampered by the lack of necessary by-laws and structures. The Committee is also concerned about the absence of statistical data on acts of domestic violence against women and that such acts continue to be underreported and viewed as a private matter.

131. **The Committee calls upon the State party to harmonize the laws of the two entities and to speed up the formulation and adoption of by-laws and the establishment of relevant structures and institutions needed for implementation. In addition, it recommends that concrete measures be undertaken to empower women to report incidences of domestic violence and to ensure, through training programmes, that public officials, especially law enforcement personnel, the judiciary, health-care providers, social workers and teachers, are fully familiar with applicable legal provisions, are sensitized to all forms of violence against women and are skilled to respond to them in an adequate manner. The Committee also encourages the State party to collect data on incidences of domestic violence against women and, based on such data, continue to develop sustainable strategies to combat this human rights violation.**

132. Despite the adoption of a number of legal and other measures, including a national plan of action, with respect to trafficking of persons, and the reported positive impact of these measures in reducing the number of cases, the Committee is concerned that trafficking in women remains a problem in the State party as a country of origin, transit and destination. The Committee is also concerned about new forms of trafficking of women into Bosnia and Herzegovina, including through fake arranged marriages. The Committee is further concerned that current protection measures do not apply to women nationals of Bosnia and Herzegovina who have been trafficked internally and women who have been trafficked for purposes other than prostitution.

133. **The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It recommends the strengthening of measures aimed at improving the economic situation of women and raising awareness so as to eliminate their vulnerability to traffickers, as well as enhancing social support, rehabilitation and reintegration measures for women and girls who**

have been victims of trafficking. The Committee recommends that protection be extended to also cover women of Bosnia and Herzegovina who have been trafficked internally and women who have been trafficked for purposes other than prostitution. It calls on the Government to ensure that traffickers are punished to the full extent of the law and to ensure that trafficked women and girls have the support they need so that they can provide testimony against their traffickers before, during and after the proceedings. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls as well as an analysis of emerging forms of trafficking of women into Bosnia and Herzegovina and the measures in place to confront these new developments.

134. While noting that the Law on Gender Equality in Bosnia and Herzegovina provides for equal representation in decision-making processes, the Committee is concerned that the recent amendments to the election law did not incorporate this aspect and, furthermore, that the introduction of open lists of candidates in the last election resulted in a significant decrease of women in the Parliamentary Assembly of Bosnia and Herzegovina. The Committee is also concerned about the underrepresentation of women in elected and appointed bodies and about the underrepresentation of women, particularly at high levels, in the public administration and the judiciary, in administrative and managerial bodies of educational institutions, in State-owned companies or in business and professional associations and in political parties.

135. **The Committee urges the State party to harmonize the election law with the Law on Gender Equality and to strengthen and implement measures to increase the representation of women in elected and appointed bodies and in decision-making positions in public administration, the judiciary and in positions in State-owned companies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee also encourages the State party to sensitize private enterprises, trade unions and political parties as to the promotion of women in decision-making positions.**

136. While noting the reform process directed at the harmonization and modernization of existing educational laws and curricula at all levels of the State party, the Committee remains concerned about prevalent discrimination in this area, in particular about the early drop-out rates of girls in rural areas, especially of Roma girls, the segregation of girls and boys in secondary education, in the disciplines in higher education and its consequences for women's professional opportunities, and the high rate of illiteracy among elderly women and, in particular, among Roma women and girls.

137. **The Committee recommends that the reform process be continued in order to ensure consistency in educational opportunities for both sexes in both entities of Bosnia and Herzegovina, including in rural areas, and for marginalized groups of women and girls, in particular of the Roma minority. It also recommends that the State party encourage diversification of educational and professional choices for women and men.**

138. The Committee expresses concern at women's particularly low representation in the labour market, the high rate of unemployment of educated women and persistent patterns of direct and indirect discriminatory practices against women in

public and private employment with respect to recruitment, promotion, pay, maternity protection and employment termination, as well as sexual harassment. The Committee is also concerned at women's concentration in certain employment sectors, which receive less pay than male-dominated sectors, and in lower-paid jobs in general, as well as at women's significant representation in the informal "grey economy" and in small agricultural enterprises, which negatively affects their eligibility for social security and health care.

139. **The Committee urges the State party to implement the relevant sections of the Law on Gender Equality and the relevant recommendations from the project on implementation of this law and to bring to justice public and private employers who violate equality provisions under the Law on Gender Equality and labour regulations. The Committee also urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women fully benefit from all planned programmes to support entrepreneurship, including through favourable credit conditions. It recommends that efforts be strengthened to increase women's representation in the formal economy and to eliminate occupational segregation, both horizontal and vertical; to narrow and close the wage gap between women and men in the public sector; and to ensure women's access to vocational training.**

140. The Committee is concerned about the status of women's health and women's limited access to health-care services in general and of unemployed women, women working in the grey economy and other vulnerable groups of women. It is concerned that regulations and financial resources with respect to access to and provision of health care vary between the entities and among the cantons of the Federation of Bosnia and Herzegovina, which, inter alia, seem to contribute to a high rate of maternal mortality. The Committee is also concerned at the lack of family planning education and the difficulty in accessing contraceptives, which result in a high rate of abortions and teenage pregnancies.

141. **The Committee urges the State party to continue its efforts to harmonize and improve the country's health-care regulations and services and to integrate a gender perspective into all health sector reforms so that all women in every part of its territory have equal access to appropriate and adequate health services and that, in particular, maternal mortality rates are reduced. The Committee also recommends that measures be taken to guarantee effective access of women and girls to information and services regarding sexual and reproductive health in order to prevent recourse to abortion and protect women from its negative health effects. It further recommends that programmes and policies be adopted to increase knowledge of and access to contraceptive methods with the understanding that family planning is the responsibility of both partners.**

142. The Committee is concerned at the situation of victims of sexual violence of the 1992-1995 armed conflict, most of whom are women, who may suffer from additional disadvantages as female heads of household and internally displaced persons. The Committee is concerned that they and their specific type of suffering are not sufficiently recognized in the respective legal frameworks for civilian war victims in both entities. The Committee is also concerned that there is no coherent strategy to support these women and they have only limited or no access to health insurance and financial benefits, as well as to general health services or specific

health services relating to their traumatic experiences. The Committee is also concerned at the pending threat of eviction from their accommodations in the Federation of Bosnia and Herzegovina of women who are civilian victims of sexual violence and internally displaced persons.

143. **The Committee urges the State party to explicitly recognize and adequately protect women who were civilian victims of sexual violence during the armed conflict through a State law as well as through the allocation of financial resources for adequate social provisions for them, including health insurance and housing, so that their rights and entitlements are guaranteed in the entire State party at a level comparable to that applicable to military victims of war. It also urges the State party to review its current regulations and plans on accommodation issues for women who are civilian victims of war and displaced persons in order to prevent additional forms of indirect discrimination.**

144. While noting the efforts of the Gender Equality Agency in mainstreaming gender perspectives into the midterm development strategy for poverty reduction, the Committee remains concerned that there are groups of women, mainly those who are single heads of household, elderly women, internally displaced women, returnees, disabled women and minority women, including Roma women, who are particularly adversely affected by poverty.

145. **The Committee requests the State party to ensure that all national poverty alleviation programmes developed through the midterm development strategy for poverty reduction and implemented by the relevant ministries fully benefit women, in particular marginalized groups of women, according to their needs and circumstances, and to provide in its next periodic report information on the results of the measures taken.**

146. **The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee, without delay.**

147. **The Committee emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of Goals and requests the State party to include information thereon in its next periodic report.**

148. **The Committee commends the State party for having ratified the seven major international human rights instruments.**[1] **The Committee notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

149. **The Committee requests the wide dissemination in Bosnia and Herzegovina of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee further requests the present concluding comments to be transmitted to the High Representative for Bosnia and Herzegovina. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing**

Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

150. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in October 2006, and its fifth periodic report, which is due in October 2010, in a combined report in 2010.**

3. Combined initial, second, third, fourth, fifth and sixth periodic report

Saint Lucia

151. The Committee considered the combined initial, second, third, fourth, fifth, and sixth periodic report of Saint Lucia (CEDAW/C/LCA/1-6) at its 729th and 730th meetings, on 23 May 2006 (see CEDAW/C/SR.729 and 730). The Committee's list of issues and questions is contained in CEDAW/C/LCA/Q/6, and Saint Lucia's responses are contained in CEDAW/C/LCA/Q/6/Add.1.

Introduction

152. The Committee commends the State party for ratifying the Convention without reservations and expresses its appreciation to the State party for its combined initial, second, third, fourth, fifth and sixth periodic report, which followed the Committee's guidelines, while regretting that it was long overdue and noting that the report does not refer to the Committee's general recommendations. The Committee notes with appreciation the quality of the report, which includes data disaggregated by sex.

153. The Committee commends the State party for its delegation and expresses its appreciation for the frank and constructive dialogue that took place between the members of the Committee and the delegation. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by its pre-session working group, and for the introductory statement and further clarifications provided in response to the questions posed orally by the Committee.

Positive aspects

154. The Committee commends the State party on the initiation of a constitutional review process, which also includes a review of other laws, such as the civil code and citizenship act. It welcomes the entry into effect of the Criminal Code No. 9 on 1 January 2005 and which includes new provisions on sexual offences and which now permits abortion under certain circumstances, and of the Domestic Violence Act of 1994.

155. The Committee commends the State party for its efforts in the field of education, specifically the plan to achieve the goal of universal secondary education at the commencement of the academic year 2006/2007, according to which every child of secondary school age will be guaranteed a place, as provided in the Education Act of 1999.

156. The Committee welcomes the State party's initiation of a comprehensive health sector reform programme, which includes institutionalization of universal health care. It also welcomes the introduction of a comprehensive health and family life education programme in all schools at primary and secondary levels.

Principal areas of concern and recommendations

157. The Committee is concerned that it did not receive a fully satisfactory explanation regarding the standing of the Convention in the national legal system. The Committee notes that, although the Convention was ratified in 1982, it appears that the Convention has not yet been incorporated into domestic legislation, rendering its provisions non-enforceable and non-justiciable in the courts. The Committee is also concerned that the judiciary may not be sufficiently aware of the Convention and the State party's obligations thereunder.

158. **The Committee urges the State party to clarify the status of the Convention and to ensure that it becomes fully applicable in the domestic legal system. It encourages the State party to sensitize the judiciary, as well as lawyers and prosecutors, to the understanding of discrimination encompassed by the Convention and the obligations of all branches of Government to comply with its provisions.**

159. The Committee is concerned that a definition of discrimination against women in accordance with article 1 of the Convention is lacking in the State party's Constitution or other appropriate legislation, encompassing both direct and indirect discrimination, and extending to acts of both public and private actors in accordance with article 2 as well as providing for the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention.

160. **The Committee calls on the State party to incorporate fully, in its constitution or other appropriate legislation, the definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1, and extending to acts of discrimination by public and private actors in accordance with article 2, as well as providing for temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee invites the State party to fully utilize the ongoing constitutional review process to ensure that such a definition is included in the Constitution or other appropriate national legislation.**

161. While noting the legislative reforms that have been completed or are under way, the Committee is concerned that no comprehensive analysis has been undertaken of national legislation with regard to their compliance with the provisions of the Convention, and the lack of data available to monitor the de facto realization of women's equality and access to justice.

162. **The Committee invites the State party to undertake a comprehensive analysis of its legislation, within an established time frame, aimed at eliminating all provisions that are directly discriminatory or that have discriminatory effects, or impacts, on women, in accordance with the provisions of the Convention. It further invites the State party to undertake the data collection necessary to establish a basis upon which to monitor the de facto realization of women's equality and access to justice.**

163. The Committee notes with concern the weak institutional capacity of the current national machinery for the advancement of women, which is severely under-resourced and understaffed and does not have the authority or capacity to effectively promote implementation of the Convention, and support gender mainstreaming across all sectors and levels of Government to bring about equality for women and men in all fields. In this regard, the Committee also notes with concern a lack of awareness on the part of the State party about the situation of, and lack of clarity about the necessity for a strong national machinery for the practical realization of equality between women and men at all levels and a lack of political will to develop the necessary institutional capacity of such a national machinery in accordance with its obligations under the Convention.

164. **The Committee calls on the State party to give urgent priority to the strengthening of the national machinery for the advancement of women, and provide it with the authority, decision-making power and human and financial resources that are necessary to work effectively for the promotion of equality of women and the enjoyment of their human rights. The Committee recommends that the State party institute focal points with sufficient expertise in gender equality issues in all sectoral ministries so as to strengthen the use of the gender mainstreaming strategy to realize the equality of women with men through all policies and programmes, and put in place a system of collaboration and networking between the national machinery and the focal points.**

165. The Committee notes with concern the absence of any temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the State party's apparent lack of understanding of the purpose of such measures.

166. **The Committee recommends that the State party use temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, as part of a necessary strategy towards the accelerated achievement of substantive equality for women, especially at the highest levels of decision-making.**

167. The Committee is concerned that gender-based stereotypical attitudes about the roles of women and men persist, and that these are reflected in women's disadvantages and unequal situation in many areas, including in public life and decision-making, in the work place, and in marriage and family relations.

168. **The Committee recommends that the State party take comprehensive measures to overcome stereotypical attitudes and expectations regarding the roles of women and men in society and in the family, in accordance with articles 2 (f) and 5 (a) of the Convention. Such measures should include awareness-raising efforts through the educational system and the media so as to enhance a positive and non-stereotypical portrayal of women.**

169. The Committee is concerned about the lack of information regarding the extent of trafficking in women and girls and the absence of measures taken to address this issue. The Committee is also concerned about the causes and extent of prostitution in the country, and the apparent lack of awareness on the part of the State party of the scale of this phenomenon in the tourism industry. The Committee is also concerned about the exploitation of prostitution, and the absence of efforts to combat this phenomenon.

170. **The Committee recommends that the State party promptly ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and to enhance its collaboration with countries in the region to prevent and combat trafficking in women. The Committee urges the State party to pursue a holistic approach in addressing the question of prostitution, and in particular to provide women and girls with educational and economic alternatives to prostitution, including economic empowerment programmes for women agricultural workers who may have lost their livelihoods with the change in the banana trade regime. The Committee calls on the State party to address the link between tourism and prostitution, including the demand for prostitution. The State party should ensure the effective prosecution and punishment of those who exploit prostitution. The Committee requests the State party to provide, in its next report, comprehensive information and data on exploitation of prostitution and on trafficking in women and on measures taken to prevent and combat such activities. It also requests that statistics be provided on the number of prosecutions and convictions of those who exploit prostitution and traffickers.**

171. While noting the Domestic Violence Act, the Committee is concerned about the persistence of violence against women and lack of public awareness of this issue, as well as an apparent lack of effective enforcement of existing legislation. The Committee is also concerned about insufficient measures aimed at preventing violence against women.

172. **The Committee calls on the State party to intensify its awareness-raising efforts about violence against women, in particular domestic violence, and the unacceptability of all such violence. It calls on the State party to put in place concrete prevention efforts and sensitization measures, addressed at the public at large. It encourages the State party to put in place training measures aimed at judicial officers, including judges, lawyers and prosecutors, in order to enhance their capacity to deal with violence against women in a gender-sensitive manner. It also invites the State party to ensure that perpetrators are speedily brought to justice.**

173. The Committee is concerned about the low level of participation of women in public and political life at the highest levels of decision-making, and the lack of steps taken to address the underlying causes, including prevailing social and cultural attitudes.

174. **The Committee encourages the State party to take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation 23, on women in political and public life, and 25, on temporary special measures, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women in all branches and levels of Government. It also encourages the State party to implement awareness-raising campaigns and to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels.**

175. While noting the intention of the State party to revise the Citizenship of Saint Lucia Act of 1979, the Committee is concerned that the Act contains provisions discriminatory to women who marry foreign nationals, and that no timetable has been set for its amendment.

176. **The Committee recommends that the Citizenship of Saint Lucia Act of 1979 be amended without delay so as to bring it into compliance with article 9 of the Convention.**

177. While the Committee welcomes the State party's commitment to guarantee universal secondary education as of the academic year 2006/07, it is concerned about girls and women without such education, and the impact of this lack of education on their opportunities in other fields, including the labour market. The Committee is also concerned about the high rate of teenage pregnancy, the impact on girls' educational opportunities and economic empowerment, and the lack of proactive measures to ensure that teenage mothers stay in, or return to school. It is also concerned that insufficient efforts are made to encourage girls and young women to enter traditionally male-dominated fields of study.

178. **The Committee calls on the State party to implement measures to ensure equal access of girls and women to all levels of education, in accordance with article 10 of the Convention. It calls on the State party to put in place measures, including monitoring mechanisms and sanctions, to ensure that pregnant students stay in and return to school during and after pregnancy. The Committee calls on the State party to provide incentives for young women to enter traditionally male-dominated fields of study, and encourages the State party to develop non-stereotyped educational curricula that address structural causes of discrimination against women and enhance educational opportunities and achievement for girls and boys at all levels.**

179. While welcoming the adoption of the Equality of Opportunity and Treatment in Employment and Occupation Act of 2000 which according to the delegation also covers indirect discrimination, the Committee expresses its concern that the Labour Code of 2001 has still not been enacted, and thus no overall legislative framework is in place in the field of work and employment. The Committee is concerned that in the absence of a Code, many areas, such as collective bargaining and effective remedies for discrimination are not covered by law. The Committee is concerned about the potential for discrimination against women in the application of exemption clauses to the non-discrimination provisions in the Labour Code of 2001. The Committee is also concerned about the absence of a law on sexual harassment.

180. **The Committee calls on the State party to ensure that the Labour Code is enacted by the end of 2006, as it has been assured by the delegation, which apparently makes specific provision for non-discrimination and equal opportunity in the workplace. The Committee encourages the State party to ensure that provisions on sexual harassment in the workplace, including enforceable sanctions, are also included in the Labour Code. It calls on the State party to ensure that effective mechanisms are in place against sexual harassment in the workplace and that women are informed of their rights not to be sexually harassed at work. The Committee further urges the State party to monitor the application of exemption clauses to the non-discrimination provisions in the Labour Code of 2001, and to provide information on their application in its next report.**

181. While noting the State party's ongoing efforts to reform the health sector, the Committee is concerned about the apparent inadequate attention by the State party to the differential and specific needs of women in this area. The Committee is concerned that it did not obtain a clear picture about the availability of

comprehensive reproductive health care. The Committee notes with concern the persistence of unsafe abortions in the country. It also notes with concern that no information was provided about measures to provide safe abortion services where those are permitted by law. Further, the Committee is concerned about the lack of facilities and district hospitals to provide comprehensive services for childbirth, and about women's access to antenatal and postnatal services.

182. **The Committee recommends that the State party take into account its general recommendation 24 on article 12, on women and health, in all health sector reform efforts so as to effectively address the differential needs in the area of general health and specific health needs of women. It calls on the State party to ensure that obstetric and maternal health needs are adequately addressed, including access to these services by women in rural communities. It also recommends that the State party provide safe abortion services in cases where those are permitted by law, and to enhance sex education and availability of contraceptives so as to prevent women having to resort to unsafe abortions. The Committee also calls on the State party to ensure that women do not require, in law or in practice, a husband's written consent for performance of tubal ligation. The Committee invites the State party to submit, in its next report, statistical data on the percentage of birth with obstetric care, information about maternal mortality rates including the main causes of maternal death, as well as information about the rate of abortion.**

183. The Committee is concerned about the situation of women agricultural workers, especially women banana growers, who have lost their livelihoods due to the change in the banana trade regime.

184. **The Committee calls upon the State party to strengthen its efforts to ensure that women in rural communities have access to education, literacy and vocational training, and new income-generating opportunities.**

185. The Committee is concerned that the Civil Code contains discriminatory provisions relating to marriage and the family, including a provision that calls for a wife's obedience to her husband. It is also concerned about lack of provisions for divorce by mutual consent. The Committee is also concerned about the potential for discrimination against women in cohabiting relationships, in particular in regard to property.

186. **The Committee calls on the State party to eliminate all discriminatory provisions in regard to marriage and family in the Civil Code, and to consider introducing the option of divorce by mutual consent. It also encourages the State party to ensure that the rights of women in cohabiting relationships are protected, in particular those to property acquired during such relationships.**

187. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

188. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

189. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

190. The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Saint Lucia to consider ratifying the treaties to which it is not yet a party, namely the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families.

191. The Committee requests the wide dissemination in Saint Lucia of the present concluding comments in order to make the people of Saint Lucia, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

192. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in November 2007.

4. Combined second, third, fourth and fifth periodic report

Malawi

193. The Committee considered the combined second, third, fourth and fifth periodic report of Malawi (CEDAW/C/MWI/2-5) at its 727th and 728th meetings, on 19 May 2006 (see CEDAW/C/SR.727 and CEDAW/C/SR.728). The Committee's list of issues and questions is contained in CEDAW/C/MWI/Q/5, and Malawi's responses are contained in CEDAW/C/MWI/Q/5/Add.1.

Introduction

194. The Committee expresses its appreciation to the State party for its combined second, third, fourth and fifth periodic report, which is in compliance with the Committee's guidelines for the preparation of periodic reports, while regretting that it was long overdue and does not make reference to the Committee's general recommendations. The Committee notes with satisfaction the quality of the report which gives a clear and candid picture of the overall situation of women and the challenges towards realizing equality between women and men. The Committee

expresses its appreciation for the responses to the list of issues and questions of the pre-session working group, while regretting that the responses to some of the questions were incomplete or lacking. The Committee expresses its appreciation for the oral presentation and further clarification in response to the questions posed orally by the Committee.

195. The Committee commends the State party on its high-level delegation, headed by the Minister of Gender, Child Welfare and Community Services and which included representatives of other ministries with responsibility for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Chairperson of the Malawi Human Rights Commission. The Committee expresses its appreciation for the frank and constructive dialogue that took place between the members of the Committee and the delegation, which updated developments in the State party since the submission of its report in 2004, and which further clarified the present status of implementation of the Convention.

196. The Committee commends the Government for withdrawing its reservations to the provisions of the Convention concerning traditional customs and practices, and notes that Malawi signed the Optional Protocol to the Convention in September 2000.

Positive aspects

197. The Committee notes with appreciation that the State party has embarked on a constitutional review process. It welcomes the efforts of the Government to review its legislation with a view to amending it and drafting new legislation so as to comply with its obligations under the Convention, in particular the Marriage, Divorce and Family Relations Bill, the Citizenship Act, the Immigration Act, and the Wills and Inheritance Act.

198. The Committee appreciates the recent adoption of the Prevention of Domestic Violence Act.

199. The Committee commends the State party for having set up the Ministry of Gender, Child Welfare and Community Services as the national machinery for the advancement of women.

Principal areas of concern and recommendations

200. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

201. The Committee is concerned that, although Malawi ratified the Convention in 1987, the Convention's status in the domestic legal system is still unclear. It notes with concern that, short of such full domestication, the primacy of the Convention

over domestic law is not clarified, nor is the Convention justiciable and enforceable in Malawian courts.

202. **The Committee urges the State party to place high priority on ensuring that the Convention can be invoked and applied in the national courts. It calls on the State party to ensure that the provisions of the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to firmly establish in the country a legal culture supportive of women's equality and non-discrimination.**

203. The Committee is concerned that although section 12 (v) of the 1994 Malawi Constitution guarantees equal rights for women and men, there is no explicit definition of discrimination against women, in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation.

204. **The Committee encourages the State party to incorporate in its Constitution, or the Gender Equality Statute, which is currently being drafted, the full definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, and explicitly prohibiting discrimination by private actors, in accordance with article 2 (e) of the Convention. It also encourages the State party to include provisions for temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, and to set a time frame for the drafting and adoption of the Gender Equality Statute.**

205. While welcoming the law reform process currently being undertaken by the special Law Commission on Gender-Related Laws aimed at the elimination of discrimination against women in various fields such as marriage, divorce, citizenship and inheritance, the Committee is concerned about the continuing lack of compliance of these laws with the Convention and the contradictions between some existing laws and the Constitution. The Committee is particularly concerned about the contradictions between the Marriage Act, which establishes 21 as the minimum age for marriage, and the Constitution, which allows child marriages. The Committee is further concerned about the contradictions between the Constitution and the Citizenship and Immigration Acts, which provide that upon marrying a foreign man, the Malawian woman loses her right to a Malawian citizenship, and that married women are not allowed to migrate unless they are under the custody of a husband.

206. **The Committee urges the State party to accelerate its law review process and ensure that its discriminatory legislation is speedily brought into compliance with the Convention so as to establish women's de jure equality. It urges the State party to set a clear time frame for the adoption of the revised Citizenship Act, Immigration Act and the Wills and Inheritance Act and for the new Marriage, Divorce and Family Relations Bill, designed to eliminate discrimination against women. The Committee encourages the State party to develop and implement comprehensive educational measures and an awareness-raising campaign upon completion of the review process, so as to ensure knowledge of the legal framework and its effective implementation.**

207. The Committee is concerned that the State party lacks a holistic approach to policies and programmes aimed at achieving women's equality with men, including mainstreaming a gender perspective in all areas. It is also concerned about the limited availability of data disaggregated by sex, which are necessary for effective gender analysis and targeted policy and programmes design for implementation of the Convention.

208. **The Committee recommends that the State party ensure that all policies and programmes are part of a holistic approach to achieving equality between women and men. The Committee recommends that gender mainstreaming be introduced in all public institutions, policies and programmes and gender training be provided and focal points be established. The Committee requests the State party to include in its next periodic report sex-disaggregated data in all areas of the Convention and if necessary to secure international assistance for this endeavour.**

209. The Committee is concerned that, although women's access to justice is provided for by law, their ability in practice to exercise this right and to bring cases of discrimination before the courts is limited by factors such as lack of information on their rights, lack of assistance in pursuing their rights, practical difficulties to reach courts and legal costs. The Committee is further concerned that most women are still subject to the jurisdiction of traditional courts applying customary law that is discriminatory towards women.

210. **The Committee requests the State party to remove impediments women may face in gaining access to justice. It further urges the State party to take special measures to enhance women's awareness of their rights, legal literacy and access to the courts to claim all their rights. The Committee recommends that the State party ensures the constitutionality of the customary courts and that their rulings are not discriminatory against women.**

211. The Committee is concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes and the persistence of deep-rooted cultural norms, customs and traditions, including forced and early marriage, wife inheritance, "sexual cleansing" and "initiation" and other such practices enumerated in the State party's report that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights.

212. **The Committee urges the introduction, without delay and in conformity with articles 2 (f) and 5 (a) of the Convention, of concrete measures to modify or eliminate customs and cultural and harmful traditional practices that discriminate against women so as to promote women's full enjoyment of their human rights. In particular, the Committee urges the State party to eliminate practices such as forced and early marriages and discriminatory widowhood inheritance practices and other practices enumerated in the State party's report which constitute violations of women's human rights under the Convention. It invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, including village head persons and chiefs, with a view to changing discriminatory social and cultural patterns of conduct and to creating an enabling and supportive environment for women to exercise their human rights. The Committee encourages the State party to implement the necessary efforts, in collaboration with civil society**

organizations, women's non-governmental organizations and community leaders. It further calls upon the State party to review periodically the measures taken to assess the impact of those efforts and take appropriate remedial measures, and to report on the results to the Committee in its next report.

213. While welcoming the recent adoption of the Prevention of Domestic Violence Act, the Committee regrets that marital rape has not been criminalized under this new legislation. The Committee continues to be concerned about the high prevalence of violence against women and girls and remains particularly concerned about the persistence of customary law and cultural practices that constitute, or perpetuate, violence against women. The Committee further expresses concern about the increase in the sexual exploitation of young girls in both primary and secondary schools by teachers, and about the lack of information and data in the report on the incidence and forms of violence against women.

214. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls, in accordance with its general recommendation 19 on violence against women and the Declaration on the Elimination of Violence against Women. The Committee calls on the State party to enact legislation outlawing discriminatory customs and practices and criminalizing marital rape, as well as legislation concerning all forms of sexual abuse, including sexual harassment, as soon as possible. Such legislation needs to ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends the implementation of training for the judiciary, law enforcement personnel, health-service providers and teachers to ensure that they are sensitized to all forms of violence against women and can respond adequately to it. The Committee urges the State party to take immediate measures to put an end to all exploitation of school girls by teachers and to prosecute offenders effectively. The Committee also urges the State party to take concrete measures, including visible leadership from the highest level of Government, towards modifying those social, cultural and traditional attitudes that constitute, or are permissive of, violence against women. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and the impact of such measures.**

215. The Committee is concerned that prostitution continues to thrive, owing to the poverty of women and girls. The Committee is also concerned about the exploitation of prostitutes, especially of young street girls, and the lack of information about the efforts to combat this phenomenon. It is also concerned at the lack of information about the extent of trafficking in women and measures taken to address this issue.

216. **The Committee urges the State party to pursue a holistic approach that aims at providing women and girls with educational and economic alternatives to prostitution, to facilitate the reintegration of prostitutes into society and to provide rehabilitation and economic empowerment programmes to women and girls exploited in prostitution. The Committee further calls on the State party to take appropriate measures to suppress the exploitation of prostitution of women, including through the discouragement of the demand for prostitution.**

The Committee requests that the State party provide information and data on measures taken to combat this phenomenon in its next report. It also requests the State party to provide in its next report detailed information on trafficking in women and measures taken, including legislation, to prevent trafficking, protect victims and punish traffickers, as well as on the impact of such measures.

217. While welcoming some recent progress, the Committee expresses concern over the fact that the number of women in decision-making positions remains low in political and public life, including in the Parliament, the civil service and the judiciary. It is also concerned at the low representation of women in decision-making positions in the national Foreign Service.

218. **The Committee recommends that the State party undertake concrete measures to increase the number of women in decision-making positions in all spheres and at all levels, including in the Parliament, political parties, the judiciary, the civil service and the Foreign Service. The Committee invites the State party to be guided by its general recommendation 23 on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures. Measures should include the setting of clear goals and timetables to accelerate women's equal participation in public and political life. The Committee urges the State party to implement capacity-building programmes to encourage women to participate in public life. It also calls on the State party to implement awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country.**

219. While acknowledging some progress in the area of education, such as the equal representation of female teachers, as orally indicated to the Committee, and the adoption of a 30 per cent-recruitment policy for female students, the Committee is concerned that there is still a gap between males and females in the educational system. The Committee is especially concerned about the extremely high rate of illiteracy among women, in particular rural and elderly women, the high drop-out rate of girls owing to early and forced marriage, pregnancy and girls' low enrolment rates in higher education.

220. **The Committee urges the State party to raise awareness of the importance of education as a human right and as a basis for the empowerment of women. It also encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls' education. It recommends that the State party take steps to ensure equal access of girls and young women to all levels of education, to retain girls in school and to strengthen the implementation of re-entry policies so that girls return to school after pregnancy. The Committee recommends that the State party make every effort to improve the literacy level of girls and women, particularly rural and elderly women, through the adoption of comprehensive programmes, in collaboration with civil society, at the formal and non-formal levels and through adult education and training.**

221. The Committee expresses concern about the discrimination faced by women in employment, as reflected in the hiring process, the wage gap and occupational

segregation. The Committee is concerned about the difficulties that women face in attempting to engage in viable economic activity in the formal sector, forcing them to work in the informal sector. It also expresses concern at the indirect discrimination against women because they have limited access to credit, owing to their lack of collateral.

222. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market, in accordance with article 11 of the Convention, and the full implementation of the provisions of the Employment Act and the Labour Relations Act by the public and private sectors. The Committee further recommends that the State party pay particular attention to the conditions of women workers in the informal sector with a view to ensuring their access to social services. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender-sensitive and that women can fully benefit from these programmes. It invites the State party to improve women's access to credit, with special emphasis on rural women. It calls on the State party to provide in its next report detailed information illustrated by data about the situation of women in the field of employment and work, including in the informal sector, and measures taken and their impact on realizing equal opportunities for women.**

223. The Committee expresses concern about the lack of access of women and girls to adequate health-care services, including prenatal and post-natal care and family planning information, particularly in rural areas. The Committee is also concerned about the alarming rate of teenage pregnancy and multiple pregnancies, which presents a significant obstacle to girls' educational opportunities and economic empowerment. The Committee is alarmed at the persistent high maternal mortality rate, particularly the number of deaths resulting from unsafe abortions, high fertility rates and inadequate family planning services, especially in rural areas, low rates of contraceptive use and lack of sex education. The Committee is also alarmed at the rising trends in HIV/AIDS infection rates of women and the direct linkage between harmful traditional practices and the spread of HIV/AIDS.

224. **The Committee urges the State party to continue its efforts to improve the country's health infrastructure and to ensure sufficient budgetary allocations for accessible health services. It calls on the State party to integrate a gender perspective in all health sector reforms, while also ensuring that women's sexual and reproductive health needs are adequately addressed. In particular, the Committee recommends that the State party undertake appropriate measures to improve women's access to health care and health-related services and information, including access for women who live in rural areas. It calls upon the State party to improve the availability of sexual and reproductive health services, including family planning information and services, as well as access to antenatal, post-natal and obstetric services to reduce maternal mortality and to achieve the Millennium Development Goal to reduce maternal mortality. It encourages the State party to seek technical support from the United Nations Population Fund in these areas. It also recommends that programmes and policies be adopted to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children. It further recommends that sex education be widely promoted and targeted at girls and boys, with special attention paid to the prevention of early pregnancy and the control of sexually**

transmitted diseases and HIV/AIDS. It also calls on the State party to ensure the effective implementation of its HIV/AIDS law and policies, to seek technical support from the World Health Organization and the Joint United Nations Programme on HIV/AIDS. It encourages the State party to enhance work with community leaders and health workers so as to decrease and eliminate the negative impact of traditional practices on women's health.

225. The Committee is concerned that widespread poverty among women and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against women. The Committee is especially concerned about the situation of rural women, particularly in view of their precarious living conditions and lack of access to justice, health care, ownership of land and inheritance, education, credit facilities and community services.

226. **The Committee urges the State party to make the promotion of gender equality an explicit component of its national development plans and policies, in particular those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes and have full access to justice, education, health services and credit facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to ownership and inheritance of land. The Committee invites the State party to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors, so as to address the socio-economic causes of discrimination against women, including those impacting women in rural areas, through all available sources of support.**

227. While commending the State party's efforts to host refugees from neighbouring countries, the Committee expresses concern about the lack of information about refugee women in camps in Malawi. In particular, it is concerned about the alleged cases of trafficking and smuggling of refugee women and that women may be denied the possibility of applying for refugee status as individuals in their own right. The Committee is also concerned at information about inadequate protection from and redress for gender-based violence against women in refugee camps.

228. **The Committee requests the State party to provide in its next report comprehensive information on the situation of refugee women in Malawian camps, in particular in respect of the registration process for refugees and the means used to protect refugee women from gender-based violence and the avenues available for redress and rehabilitation in regard to allegations of trafficking and smuggling. The Committee also recommends that the State party seek further support from, and continue to work in close cooperation with, appropriate international agencies in the field of refugee protection, in particular, the Office of the United Nations High Commissioner for Refugees.**

229. The Committee is concerned about the low level of coordination among the authorities with non-governmental organizations and women's associations in the implementation of the Convention.

230. **The Committee invites the State party to coordinate and collaborate more effectively with non-governmental organizations and women's associations in**

the implementation of the Convention, including follow-up to the concluding comments. The Committee recommends that the State party consult further with non-governmental organizations during the preparation of the next periodic report.

231. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

232. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

233. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.**

234. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Malawi to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

235. **The Committee requests the wide dissemination in Malawi of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

236. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in April 2008.**

5. Combined third, fourth and fifth periodic report

Cyprus

237. The Committee considered the combined third, fourth and fifth periodic report of the Republic of Cyprus (CEDAW/C/CYP/3-5) at its 733rd and 734th meetings, on 25 May 2006 (see CEDAW/C/SR.733 and 734). The Committee's list of issues and

questions is contained in CEDAW/C/CYP/Q/5 and the responses of Cyprus are contained in CEDAW/C/CYP/Q/5/Add.1.

Introduction

238. The Committee expresses its appreciation to the State party for its combined third, fourth and fifth periodic report, which follows the Committee's guidelines and takes into account the Committee's previous concluding comments, but which was, however, overdue and lacks reference to general recommendations by the Committee. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications in response to the questions posed by the Committee.

239. The Committee welcomes the State party's delegation headed by the Law Commissioner of the Republic of Cyprus, and which included representatives of several sectors of Government with responsibility for implementation of measures in the areas covered by the Convention, and appreciates the frank and constructive dialogue held between the delegation and the members of the Committee.

240. The Committee commends the State party for the incorporation of sex-disaggregated data throughout the report, annexes and responses to the list of issues and questions in relation to many of the provisions of the Convention.

241. The Committee commends the State party for the withdrawal of the reservation to article 9 (2) in June 2000.

242. The Committee congratulates the State party for ratifying the Optional Protocol to the Convention in April 2002, and for accepting, in July 2002, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

Positive aspects

243. The Committee commends the State party for the significant law reform undertaken since the consideration of its combined initial and second periodic report (CEDAW/C/CYP/1-2) in 1995, aimed at the promotion of gender equality and elimination of discrimination against women and at achieving compliance with the obligations under the Convention, including amendments to the Maternity Protection Law (1997) and enactment of the Marriage Law (2003); the Equal Pay Between Men and Women for the Same Work or for Work of Equal Value Law (2002); the Equal Treatment of Men and Women in Employment and Vocational Training Law (2002); the Equal Treatment of Men and Women in Professional Social Insurance Schemes Law (2002); the Civil Registry Law (2002); the Parental Leave and Leave on Grounds of Force Majeure Law (2002); the Violence in the Family (Prevention and Protection of Victims) Law (2000); and the Combating of the Trafficking of Persons and Sexual Exploitation of Minors Law (2000).

244. The Committee commends the State party on the Plan of Action for the Coordination of Actions on Combating Trafficking in Human Beings and Sexual Exploitation of Children. The Committee also notes the development of other plans of action, including the National Action Plan on Gender Mainstreaming based on the provisions of the Convention and the Beijing Platform for Action, and its anticipated

adoption before the end of 2006. The Committee also notes the inclusion of a gender perspective in the national development and other plans.

245. The Committee welcomes the establishment of new institutions relevant to the promotion of gender equality, including the Advisory Committee on Domestic Violence, the Gender Equality Committee in Employment and Vocational Training and the Investigation and Assessment of Work Committee, as well as those of a more general nature that also deal with gender equality issues, such as the Commissioner for Administration (Ombudswoman) and the National Institution for the Protection of Human Rights.

Principal areas of concern and recommendations

246. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

247. While noting with satisfaction the availability of the Convention in both English and Greek, as well as additional publications issued by the National Machinery on Women's Rights, the Committee is concerned that the provisions of the Convention, including the general recommendations by the Committee, which interpret the Convention, are not widely known in the country. The Committee also notes the actions taken by the State party to conduct training programmes in gender issues for law enforcement officials, as requested in the Committee's previous concluding comments; however, the Committee remains concerned about the lack of sensitization and training initiatives, especially for judicial personnel, on gender issues and the provisions of the Convention.

248. **The Committee calls on the State party to continue to widely disseminate the Convention, its Optional Protocol and the Committee's general recommendations to all stakeholders, including government ministries, the judiciary, political parties, non-governmental organizations, the private sector and the general public. The Committee also encourages the State party to develop awareness-raising programmes and training on the provisions of the Convention, including initiatives that aim to sensitize judges, lawyers and prosecutors at all levels, and the amendment of university curricula in law, where appropriate.**

249. While noting the efforts made by the State party to promote gender equality and the advancement of women, the Committee remains concerned about the lack of a comprehensive and systematic approach to gender equality policies.

250. **The Committee urges the State party to adopt a comprehensive and integrated approach to all its gender equality policies, in all areas. In particular, it calls on the State party to reflect such an approach in the National Action Plan on Gender Mainstreaming, which is due to be adopted before the end of the year 2006.**

251. While the Committee recognizes the improvements in the National Machinery for Women's Rights, including a substantial increase in its budget and an additional staff member, the Committee is concerned about its weak authority and lack of human resources, which impede its ability to promote gender equality and coordinate and monitor gender mainstreaming into all policy areas.

252. **The Committee encourages the State party to further strengthen the financial and human resources, as well as the authority and status of the National Machinery for Women's Rights, so that it can adequately fulfil its expanded mandate to play the central role in monitoring and coordinating the implementation of the National Action Plan on Gender Mainstreaming.**

253. The Committee is concerned about the pervasiveness of patriarchal attitudes and deep-rooted traditional social prejudices and stereotyped attitudes regarding the roles and responsibilities of women and men in the family, the workplace, the classroom, media and other areas of society. The State party's report recognizes these stereotypes as the major obstacle for the advancement of women in Cyprus and as a root cause of women's disadvantaged position in a number of areas, including the labour market, political and public life, the highest levels of the education system and the media, as well as persistent violence against women, especially within the family.

254. **The Committee urges the State party to increase its efforts to design and implement systematic and comprehensive strategies to foster a better understanding of and support for substantive equality between women and men in all spheres and at all levels of society. Such measures should include awareness-raising and educational campaigns that address women and men, girls and boys, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention.**

255. The Committee recognizes that some political parties have introduced a quota system to enhance the participation of women in their decision-making bodies and as candidates for elections; that the National Machinery for Women's Rights recently launched a campaign aimed at increasing women's participation in Parliament and in local authorities; that media coverage of women candidates has improved; and that some women have been appointed to high-level posts, including the first female Supreme Court judge. However, the Committee remains concerned that despite an increase in candidates, women's participation in public and political life remains low and there has been no significant increase in women elected to office following the general elections held in May 2006.

256. **The Committee recommends that the State party take measures, in particular temporary special measures, aimed at accelerating de facto equality between women and men in order to increase the participation of women in political and public life, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures and general recommendation 23 on women in public life.**

257. While acknowledging women's high level of participation in the labour market and measures taken by the State party in support of such participation, the Committee remains concerned about the disadvantaged situation of women in employment, which is a consequence of entrenched social attitudes and gender

stereotypes regarding professional occupations and family responsibilities. The Committee is especially concerned about the 25 per cent wage gap that existed as of 2004, significant occupational segmentation which contributes in part to women's lower earning capacity, as well as the continued underrepresentation of women in decision-making positions in the economy.

258. **The Committee requests the State party to take all appropriate measures, including temporary special measures, to address women's disadvantaged situation in the labour market, including through the enhancement of measures to reconcile work and family responsibilities and the further development of re-entry programmes for women after career breaks for family reasons. The Committee also requests the State party to provide in its next periodic report the results of the diagnostic survey, due to be conducted soon, on the persistent wage gap and the glass ceiling phenomenon, detailed information about the strategy expected to be developed subsequently to combat this problem, and the results achieved in its implementation. The Committee further requests that the State party monitors the development of women's participation in decision-making positions in the economy.**

259. While noting with satisfaction the achievements of women in education and the appointment of a woman as Permanent Secretary of the Ministry of Education and Culture, the Committee is concerned about the continued gender-specific segmentation in educational subjects and the low representation of women in decision-making positions, including as teachers in tertiary education and the lower number of female students at the PhD level, as well as in competitive research institutions.

260. **The Committee encourages the State party to develop measures aimed at the diversification of women's academic and professional choices and to fully implement the relevant commitments in the National Action Plan on Gender Mainstreaming. The Committee also recommends that the State party closely monitor the career development of women to the highest levels of the education system and research institutions to ensure equal access of women and men and prevent and eliminate hidden or indirect discrimination faced by women.**

261. While welcoming the positive measures taken by the State party and the legal and institutional progress made in addressing violence against women, the Committee is concerned that violence against women remains a serious problem, especially within the family. In particular, the Committee notes with concern the lack of research, data and knowledge on the extent and causes of domestic violence and other forms of violence against women.

262. **The Committee urges the State party to ensure that the forthcoming National Action Plan for the Prevention and Handling of Violence in the Family addresses all aspects, including prevention, protection of victims, prosecution of perpetrators and training of all actors involved, including the judiciary, other law enforcement personnel, teachers and health and social workers, as well as comprehensive qualitative and quantitative research. Furthermore, the Committee urges the State party to give priority to putting in place comprehensive measures to address all other forms of violence against women, in accordance with its general recommendation No. 19.**

263. While recognizing the important legal and institutional measures taken to combat trafficking, the Committee remains concerned about the persistence of trafficking and exploitation of prostitution of women. It is particularly concerned

about the precarious situation of cabaret artists, as well as the insufficient available research on the extent of the phenomenon of trafficking and exploitation of prostitution of women.

264. **The Committee requests the State party to continue with its efforts to combat trafficking and calls on the State party to commit to the full and speedy implementation of the Plan of Action already in place. It calls on the State party to conduct qualitative and quantitative research on the extent of this phenomenon and to develop and implement without delay the large-scale public awareness campaign foreseen in the Plan of Action. The Committee also requests the State party to closely monitor the issuance of the new work visas which are due to replace the existing artist visas.**

265. The Committee expresses concern about discrimination against women migrants, including domestic helpers and agricultural workers, particularly in regard to the terms and conditions of contracts and conditions of work and wages.

266. **The Committee calls on the State party to monitor closely the terms and conditions of contracts, conditions of work and salaries of women migrants and devise strategies and policies for their full integration in the labour force and for elimination of direct and indirect discrimination. The Committee further recommends the adoption of measures for the integration of these women into society in order to advance de facto equality for all women. The Committee also encourages the State party to put in place measures that will enhance access to justice for migrant women in all instances of violations of employment rights.**

267. The Committee is concerned about the particular circumstances of women belonging to different groups of vulnerable people, including refugees, asylum-seekers, displaced persons and disabled people and notes that, despite de jure equality, women belonging to these groups are at risk of multiple discrimination and sometimes encounter significant discrimination because of stereotypical attitudes, as well as difficulties in accessing social services and obtaining employment commensurate with their education and skills.

268. **The Committee encourages the State party to incorporate a gender perspective in all government policies that target these groups. It also encourages the State party to collect sex-disaggregated data and conduct in-depth gender-sensitive research and to give a clearer picture of, and more visibility to the de facto situation of women belonging to these groups in the next periodic report. The Committee also urges the State party to eliminate the legal discrimination against children born to displaced mothers in acquiring the status of displaced person, particularly in light of the Ombudswoman's view that the existing legislation constitutes discrimination.**

269. The Committee notes with concern the political environment which impedes the implementation of the Convention in the entire territory of the Republic of Cyprus.

270. **The Committee urges the State party to ensure that women continue to fully participate in the peace process, in line with United Nations Security Council resolution 1325 (2000).**

271. **The Committee encourages the State party to expand its consultations with non-governmental organizations in the implementation of the Convention**

and the present concluding comments, and in the preparation of the next periodic report.

272. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

273. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

274. The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Cyprus to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

275. The Committee requests the wide dissemination in Cyprus of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

276. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which is due in August 2006, and its seventh periodic report, due in August 2010, in a combined report in 2010.

6. Sixth periodic reports

Guatemala

277. The Committee on the Elimination of Discrimination against Women considered the sixth periodic report of Guatemala (CEDAW/C/GUA/6) at its 725th and 726th meetings, on 18 May 2006 (see CEDAW/C/SR.725 and 726). The Committee's list of issues and questions is contained in document CEDAW/C/GUA/Q/6, and Guatemala's responses are contained in document CEDAW/C/GUA/Q/6/Add.1.

Introduction

278. The Committee expresses its appreciation to the State party for its sixth periodic report, while noting that it did not fully comply with the Committee's guidelines for the preparation of periodic reports and did not make reference to the Committee's general recommendations. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

279. The Committee commends the State party for its high-level delegation headed by the Minister of the Presidential Secretariat for Women, which included the Minister of Education and representatives from the Ministries of Health and Social Assistance, Planning and Programming, the legislature, and the Defender of Indigenous Women, contributing to the quality of the constructive dialogue that was held between the delegation and the members of the Committee.

Positive aspects

280. The Committee welcomes the efforts of the State party to achieve greater coordination among the various institutions for the advancement of women, including the Presidential Secretariat for Women, the National Office for Women's Affairs, the Indigenous Women's Defense Unit and the First Lady's Social Work Secretariat.

281. The Committee also welcomes the efforts of the State party to evaluate and update the National Policy for the Advancement and Development of Guatemalan Women: Equal Opportunity Plan 2001-2006 in order to ensure that it contributes effectively to the improvement of women's conditions in the areas of law, economy, health, education, personal security, labour and political participation.

282. The Committee further welcomes the adoption of the National Plan for Prevention and Eradication of Domestic Violence as well as the efforts to strengthen the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women.

283. The Committee welcomes the adoption of the Law on Universal Access to Family Planning Services and the Integration in the Programme on Reproductive Health, Decree 87-2005.

Principal areas of concern and recommendations

284. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments and the Committee's concluding comments on the State party's combined third and**

fourth, and fifth periodic reports (see A/57/38) to Congress and to all relevant ministries so as to ensure their full implementation.

285. The Committee is concerned that not all relevant government entities, in particular the legislative and judicial branches, may have been fully involved in the process of elaborating the report. As a result, the impact of the reporting process as an aspect of a holistic approach to the ongoing implementation of the Convention may be limited.

286. **The Committee calls upon the State party to strengthen the coordination among all relevant government entities, including representatives from the legislative and judicial powers, as a means to enhance the implementation of the provisions of the Convention, the follow-up to the concluding comments of the Committee and the preparation of future periodic reports under article 18 of the Convention.**

287. The Committee is concerned that the definition of discrimination contained in Decree 57-2002 that amends the Criminal Code is not in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination, as well as article 2 (e), which explicitly requires measures to eliminate discrimination against women by private actors.

288. **The Committee encourages the State party to ensure that a definition of discrimination that encompasses both direct and indirect discrimination, in line with article 1 of the Convention, is explicitly reflected in all appropriate legislation and to include effective sanctions and remedies for the violation of rights by public and private entities, and actors. It urges the State party to carry out awareness-raising campaigns on the Convention and its Optional Protocol, including on the meaning and scope of substantive equality between women and men, aimed, inter alia, at the general public, legislators, the judiciary and the legal profession. Such efforts should focus on the systematic use of the Convention to respect, promote and fulfil women's human rights, and of the use of the Optional Protocol.**

289. While noting the efforts of the State party aimed at revising the existing discriminatory legislation in the Civil, Criminal and Labour Codes, the Committee is concerned that, in spite of the recommendations it addressed to the State party on the occasion of the consideration of Guatemala's initial and second periodic reports in 1994 and its combined, third and fourth, and fifth periodic reports in 2002, the domestic legislation is still not in conformity with the Convention. It is also concerned about the lack of awareness about women's human rights among members of the legislature, which may be obstructing the adoption of required legislative reforms, in particular with regard to violence against women.

290. **The Committee urges the State party to put in place an effective strategy with clear priorities and timetables to achieve the required amendments to discriminatory provisions in the Civil, Criminal and Labour Codes so as to bring them into conformity with the Convention as required by article 2. The Committee encourages the Government to ensure that the national machinery for the advancement of women has the necessary authority and human and financial resources to undertake awareness-raising initiatives for a full understanding of women's human rights in light of the provisions of the Convention among the legislative and judicial branches.**

291. While noting the adoption of the various laws and decrees aimed at protecting women and girls, including Decree 81-2002 aimed at promoting actions towards the elimination of discrimination on grounds of race and gender among all State ministries, the Committee is concerned about the lack of enforcement, coordination, effective implementation and monitoring of those laws and decrees.

292. **The Committee urges the State party to take all the appropriate measures to ensure the effective enforcement, implementation and assessment of the application of those laws and decrees aimed at protecting women and girls. It recommends that the State party include the impact of those measures in its next periodic report.**

293. While noting the steps taken by the State party to strengthen the national mechanism for the advancement of women, the Committee expresses its concern that the national machinery does not have enough human and financial resources to carry out its mandate and promote the advancement of women at the national and local levels. It is also concerned about the limited capacity of the Presidential Secretariat to undertake effective coordination and cooperation with the legislative and judicial branches. It is further concerned about the existing imbalance among the three branches of the State, which results in the resistance to adopt and modify legislation aimed at protecting women's human rights.

294. **The Committee recommends that the State party strengthen the national machinery, especially the Presidential Secretariat for Women, by providing it with the necessary authority and adequate human and financial resources so as to enhance its effectiveness in carrying out its mandate at all levels. That should, in particular, include the capacity for better and more effective cooperation among all Government entities responsible for implementation of the Convention.**

295. While welcoming the active role played by the women's movement to achieve progress in the realization of gender equality and the cooperation between the Presidential Secretariat for Women and women's organizations, the Committee is concerned that the State party may be delegating some of its responsibilities with regard to the implementation of the Convention to women's groups and organizations, leading to an imbalance in the interaction between those different stakeholders.

296. **The Committee encourages the State party to assume clear responsibility for implementing all its obligations under the Convention. It also encourages the State party to enhance collaboration with women's groups and organizations without, however, delegating to those stakeholders its own responsibilities with regard to the implementation of the Convention.**

297. While appreciating the State party's efforts to combat the trafficking of women and girls, including the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee remains concerned about the absence of adequate measures to combat this phenomenon including its causes and extent, in particular from the State party's position as a country of origin, transit and destination. It is further concerned at the insufficient information and awareness about the incidence of internal trafficking.

298. **The Committee urges the State party to increase efforts to determine the causes and extent of trafficking of women and girls from its perspective as a country of origin, transit and destination and the incidence of internal trafficking. It recommends that the State party strengthen the measures to combat and prevent trafficking in women and girls and provide detailed information about the impact of the measures taken in its next periodic report.**

299. The Committee is deeply concerned about the continuing and increasing cases of disappearances, rape, torture and murders of women, the engrained culture of impunity for such crimes, and the gender-based nature of the crimes committed, which constitute grave and systematic violations of women's human rights. It is concerned about the insufficient efforts to conduct thorough investigations, the absence of protection measures for witnesses, victims and victims' families and the lack of information and data regarding the cases, the causes of violence and the profiles of the victims.

300. **The Committee urges the State party to take without delay all the measures necessary to put an end to the murders and disappearances of women and the impunity of perpetrators. In that regard, it suggests to the State party to take into account the recommendations made by the Committee in relation to its inquiry undertaken under article 8 of the Optional Protocol regarding the abduction, rape and murder of women in the Ciudad Juarez area of Chihuahua, Mexico (CEDAW/C/2005/OP.8/MEXICO). It encourages the State party to institutionalize the Commission on Femicide as a permanent body, with its own human and financial resources. It requests the State party to provide in its next periodic report detailed information on the causes, scope and extent of the disappearances, rape and murder of women and of the impact of measures taken to prevent such cases, to investigate occurrences and prosecute and punish perpetrators and to provide protection, relief and remedies, including appropriate compensation to victims and their families.**

301. The Committee is concerned about the prevalence of domestic violence against women, the lack of effective access to justice for women, particularly indigenous women, who also face language barriers, and the lack of social awareness about and condemnation of violence against women and girls in the country.

302. **The Committee urges the State party to accord priority attention to the adoption of a comprehensive and integrated approach to address violence against women and girls, taking into account the Committee's general recommendation 19 on violence against women. It urges the State party to enact the pending reforms to the Criminal Code to criminalize domestic violence and to allocate the necessary resources to implement the Plan for the Prevention and Eradication of Domestic Violence and Violence against Women 2004-2014. It recommends gender sensitivity training on violence against women for public officials, particularly law enforcement personnel, the judiciary, teaching personnel and health service providers, so as to ensure that they are sensitized to all forms of violence against women and can adequately respond to it.**

303. While noting the efforts to amend the Act on Elections and Political Parties to impose a quota of 44 per cent for women's participation, the Committee remains concerned about the underrepresentation of women, in particular indigenous women, in political and public positions at all levels. The Committee is also concerned about the persistence and pervasiveness of patriarchal attitudes and deep-

rooted stereotypes regarding the roles and responsibilities of women and men in the family and society, which constitute a significant impediment to the participation of women in decision-making at all levels and a root cause of women's disadvantaged position in all spheres of life.

304. **The Committee calls upon the State party to accelerate amending of the Act on Elections and Political Parties and strengthen the use of temporary special measures, including quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women, in particular indigenous women, in political and public life and in decision-making positions. It suggests that the State party implement leadership training programmes aimed at women to help them participate in leadership and decision-making positions in society. The State party is urged to carry out awareness-raising campaigns aimed at women and men to help ensure the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large and enhance women's political empowerment.**

305. The Committee is concerned about the significant gaps in the existing legislation pertaining to article 11 of the Convention, including the lack of provisions to address sexual harassment. It expresses concern about the violations of women's labour rights in the maquiladora industries, including the right to association; minimal wage and maternity leave. The Committee is also concerned about the excessive hours of work and discriminatory practices against pregnant women. It is also concerned about the absence of legislative and policy measures to protect the rights of domestic workers despite the recommendations made by the Committee at the consideration of the previous periodic report.

306. **The Committee calls upon the State party to bring its legislation fully into compliance with article 11 of the Convention and to ratify the International Labour Organization Convention (No. 155) concerning Occupational Safety and Health and the Working Environment. It requests the State party to accelerate efforts aimed at the adoption of legislation concerning sexual harassment. It urges the State party to put in place effective measures to prevent and punish violations of the rights of women working in the maquiladora industries, to address the lack of safety and health standards in those industries and to enhance women workers' access to justice. It also urges the State party to establish a concrete timetable for the adoption of legislative and policy measures to protect the rights of domestic workers. It requests the State party to include information on the steps and measures taken and, in particular, on their impact, in its next periodic report.**

307. The Committee observes with concern the possible adverse impact that the free trade agreements may have on the living and working conditions of Guatemalan women.

308. **The Committee suggests that the State party undertake a study to determine the impact of the free trade agreements on the socio-economic conditions of women and to consider the adoption of compensatory measures that take into consideration women's human rights.**

309. The Committee is concerned about the persistent high levels of poverty among women, particularly among women living in rural areas, and their lack of access to

basic social services. The poverty conditions of women are reflected in their high illiteracy rates, low school enrolment and completion rates, poor access to health care, including sexual and reproductive health, leading to high rates of maternal mortality, and lack of access to land and training opportunities. The Committee is also concerned about the absence of a comprehensive strategy for rural development that addresses the structural nature of the problems rural women continue to face.

310. **The Committee urges the State party to ensure that all poverty eradication policies and programmes integrate a gender perspective and explicitly address the structural nature and various dimensions of poverty faced by women, in particular women living in rural areas. It recommends that the State party strengthen its efforts to implement nationwide effective health and educational programmes, including programmes in the areas of functional literacy, enterprise development, skills training and microfinance, as a means of poverty alleviation, and adopt measures to ensure women's equal access to land.**

311. Noting that the majority of the Guatemalan population are indigenous peoples, the Committee expresses concern about the situation of indigenous women, who lack enjoyment of their human rights and are vulnerable to multiple forms of discrimination. It is also concerned about the absence of statistical information related to the situation of indigenous women.

312. **The Committee encourages the State party to adopt concrete, targeted measures to accelerate the improvement of conditions of indigenous women in all spheres of life. It calls upon the State party to ensure that indigenous women have full access to bilingual education, health services and credit facilities and can fully participate in decision-making processes. It requests the State party to include information and data on the situation of indigenous women and on the impact of measures taken to overcome the multiple discrimination against them in its next periodic report.**

313. **The Committee calls upon the State party to enhance its collection of data disaggregated by sex and its use of indicators to monitor more effectively progress in implementation of the Convention. Such data should be used as the basis for effective policy and programme development and for assessing the impact of measures taken and trends in the status of women over time.**

314. **The Committee emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the goals and requests the State party to include information thereon in its next periodic report.**

315. **The Committee commends the State party for having ratified the seven major international human rights instruments.**[1] **It notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

316. **The Committee requests the wide dissemination in Guatemala of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure**

and de facto equality of women, as well as the further steps that are required in that regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

317. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in September 2007.**

Romania

318. The Committee considered the sixth periodic report of Romania (CEDAW/C/ROM/6) at its 735th and 736th meetings, on 26 May 2006 (see CEDAW/C/SR.735 and 736). The Committee's list of issues and questions is contained in CEDAW/C/ROM/Q/6, and Romania's responses are contained in CEDAW/C/ROM/Q/6/Add.1.

Introduction

319. The Committee expresses its appreciation to the State party for its sixth period report, which followed the Committee's guidelines for the preparation of reports, while regretting that it provided insufficient statistical data disaggregated by sex and did not state whether the Committee's general recommendations had been taken into account. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation that provided further insights about recent legislative changes and the situation of women in Romania, and for the responses to the questions posed orally by the Committee.

320. The Committee commends the State party for having sent a delegation headed by the President of the National Agency for Equal Opportunities between women and men, and which included a balanced number of women and men representatives from ministries with responsibility for implementation of measures in the areas covered by the Convention, including representatives of the National Agency for Preventing Trafficking in Persons and Monitoring Assistance Provided to the Victims of the Trafficking in Persons, the National Council for Combating Discrimination (NCCD), the National Anti-Drug Agency and the National Agency for Roma. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

321. The Committee commends the State party for having ratified the Optional Protocol in August 2003.

Positive aspects

322. The Committee commends the State party on the range of recent laws, strategies and action plans aimed at eliminating discrimination against women and promoting gender equality and at achieving compliance with the obligations under the Convention. In particular, it welcomes the adoption of Law 202/2002 on equal opportunities between women and men and its subsequent amendments, Ordinance

137/2000 on preventing and sanctioning all forms of discrimination and its subsequent amendments, Law 217/2003 on preventing and combating domestic violence, and Law 678/2001 on preventing and combating trafficking in persons.

323. The Committee congratulates the State party on the establishment, in 2005, of the National Agency for Equal Opportunities between Women and Men (NAEO) and welcomes the proposed establishment of branches of the national machinery at county level. The Committee also welcomes the creation of specialized institutions such as the National Agency for Family Protection established in 2004, the National Agency for Roma established in 2005, and the establishment of the National Agency for preventing trafficking in persons and monitoring assistance provided to the victims of the trafficking in persons in 2005.

324. The Committee commends the State party on the adoption of the National Strategy for Equal Opportunities between Women and Men for the period 2006-2009, the General Action Plan for the implementation of the Strategy as well as the development of county-based plans of action; the National Strategy for preventing and combating domestic violence and its related Action Plan for 2005-2007, and the National Strategy against Trafficking in Persons for 2006-2010.

325. The Committee notes that the draft Civil Code currently before Parliament will raise the minimum age of marriage for young women to 18 on an equal basis with young men, in compliance with the Convention, and the Convention on the Rights of the Child.

Principal areas of concern and recommendations

326. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

327. The Committee regrets the limited availability of statistical data disaggregated by sex as well as by ethnicity, age, and by urban and rural areas, which makes it more difficult to assess progress and trends over time in the actual situation of women and their enjoyment of their human rights in regard to all areas covered by the Convention.

328. **The Committee calls upon the State party to enhance its data collection in all areas covered by the Convention so as to assess the actual situation of women and their enjoyment of their human rights, disaggregated by sex, as well as by ethnicity, age, and by urban and rural areas as applicable, and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and action plans and evaluate progress achieved towards realization of women's de facto equality. The Committee requests the State party to include in its next report such statistical data and analysis.**

329. While commending the State party for the extensive legal and policy framework developed in recent years for the promotion of equality between women and men and the elimination of discrimination against women, the Committee is concerned that it may not be sufficiently known by the general population. It is concerned that women themselves might not be aware of their rights, or lack the capacity to claim them as indicated in the low number of cases related to discrimination against women investigated by the National Council for Combating Discrimination since its creation in 2003.

330. **The Committee encourages the State party to implement sensitization and awareness-raising campaigns about the new laws and policies aimed at preventing and eliminating discrimination against women and at enhancing women's access to justice. Such efforts should be targeted specifically at women so that they can avail themselves of remedies for violations of their rights under the Convention and domestic legislation, as well as at the general public so as to create an environment that is conducive to the realization of gender equality.**

331. While noting with satisfaction the inclusion of training modules on international legal instruments on combating discrimination in the curriculum of the National Institute for Magistracy, the Committee is concerned about the insufficient awareness about the Convention and its Optional Protocol among the legal profession and the judiciary indicated by the absence of any court decisions that referred to the Convention.

332. **The Committee calls upon the State party to enhance knowledge about the Convention and the procedures under the Optional Protocol among the judiciary and the legal profession, including through awareness-raising.**

333. While welcoming the establishment, in 2005, of the National Agency for Equal Opportunities between Women and Men under the Ministry of Labour, Social Solidarity and Family as the national machinery for the advancement of women, the Committee is concerned that the national machinery may not have sufficient visibility, decision-making power or human and financial resources to effectively promote the advancement of women and gender equality across all branches and sectors of Government as well as at the national and local level.

334. **The Committee recommends that the State party strengthen the existing national machinery by enhancing its visibility, decision-making power and human and financial resources so that it can effectively implement its mandate, strengthen its effectiveness at local level and enhance coordination among all relevant mechanisms and entities at the national and local level.**

335. The Committee expresses concern about the persistent low representation of women in elected and appointed bodies, especially at high and decision-making levels, including in Parliament, in the executive bodies of the Government, and in local government, and the lack of effective measures to accelerate the advancement of women in this respect.

336. **The Committee urges the State party to take effective measures to accelerate and increase the representation of women in elected and appointed bodies, including through a possible change in the election law or the use of incentives or sanctions for fulfilment of the obligation of local and central public authorities to reach "equitable and balanced representation of women and men" as proclaimed in the Law on Equal Opportunities Between Women**

and Men. It also recommends that the State party further utilize temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendations 25, on temporary special measures, and 23, on women in public life, including establishment of benchmarks, quotas, numerical goals and timetables, to accelerate women's full and equal participation in elected and appointed bodies. The Committee also recommends that the State party increase its efforts in offering or supporting training programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's participation in public and political life and at decision-making levels, as democratic requirement.

337. While welcoming the legislative and other measures taken by the State party to prevent and eliminate domestic violence, including the introduction, by the Ministry of Justice, of a statistical indicator to monitor cases of domestic violence pending before the courts, the Committee expresses concern about the insufficient implementation of those measures, including limited availability of protection and support services for victims, in particular in rural areas. The Committee is concerned that the State party was able to provided only limited information about the prevalence of domestic violence, and that Law 217/2003 does not address other forms of violence against women.

338. **The Committee urges the State party to enhance the effective enforcement of its domestic violence legislation so as to ensure that all women who are victims of violence, including those living in rural areas, have access to immediate means of redress and protection, including protection orders, access to a sufficient number of safe shelters funded by the Government within a sufficiently wide geographical distribution, and to legal aid. The Committee calls upon the State party to provide adequate funding for such efforts, as well as for the establishment of a free hotline operating 24 hours a day/7 days a week. The Committee also recommends that the State party enhance its action beyond domestic violence to all forms of violence against women, in the light of the Committee's general recommendation 19.**

339. While commending the efforts undertaken by the State party to address the issue of human trafficking, the Committee remains concerned about the magnitude of this phenomenon in Romania, which remains a country of origin, transit, and destination for trafficked women and girls.

340. **The Committee calls on the State party to increase its efforts to prevent human trafficking by addressing its root causes, in particular women's economic insecurity. It recommends that the State party enhance measures aimed at improving women's social and economic situation, in particular in rural areas, so as to eliminate their vulnerability to traffickers and to put in place services for the rehabilitation and reintegration of victims of trafficking. The Committee also encourages the State party to intensify international, regional and bilateral cooperation with countries of origin, transit and destination for trafficked women and girls to further curb this phenomenon.**

341. The Committee expresses concern that the rates of abortions and maternal mortality still remain high, although noting their decrease since the beginning of the 1990s as a result of Government efforts.

342. **The Committee encourages the State party to intensify implementation of programmes and policies aimed at providing effective access for women to health-care information and services, and to expand sexual and reproductive health education programmes. The Committee recommends that the State party use its general recommendation 24 on women and health in the implementation of Law 95/2006 reforming the health-care system.**

343. The Committee is concerned at the situation of Roma women and girls who face multiple and intersecting forms of discrimination based on sex, ethnic or cultural background and socio-economic status. The Committee notes with concern that Roma women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, health, housing, employment, official identity documents and participation in political and public life. While noting efforts such as "The Second Chance" Programme and the school mediator and the health mediator schemes, the Committee is particularly concerned about the gaps in Roma women's formal education, their high rates of illiteracy, and the high rate of school dropouts among Roma girls.

344. **The Committee urges the State party to take a holistic approach to eliminating the multiple and intersecting forms of discrimination that Roma women face and to accelerate achievement of their de facto equality through the coordination of all agencies working on Roma, non-discrimination and gender equality issues. It urges the State party to implement targeted measures, within specific timetables, in all areas, and to monitor their implementation. The Committee encourages the Government to approve without delay the budget for the implementation of the Action Plan for the Decade of Roma Inclusion 2005-2015. The Committee urges the State party to take concrete measures to overcome stereotypical attitudes towards Roma people, and in particular Roma women and girls. It also recommends the expansion of "The Second Chance" Programme to all counties of Romania, and to increase the number and role of school and health mediators. It encourages the National Agency for Roma to organize training programmes for the police on Roma culture. The Committee calls on the State party to issue without delay identity documents to Roma people, including Roma women, who lack such documents, and to monitor progress in the completion of this effort. The Committee also recommends that the State party address the high rate of unemployment among Roma women, and to adopt measures to enhance their participation in public life at all levels. The Committee recommends that the State party collect and make available statistical information pertaining to education, health, employment and the social, economic and political status of Roma women and girls with a view to further developing specific policies to respond to their needs. The Committee requests the State party to report on the results achieved in its next periodic report.**

345. The Committee expresses concern about the situation of women in the labour market, which remains characterized by the concentration of women in low-paid sectors of public employment, such as health and education, and the wage gap between women and men, in both the public and private sectors.

346. **The Committee urges the State party to intensify its efforts to ensure that all job-creation programmes are gender-sensitive. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both**

horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increase in female dominated sectors.

347. The Committee is concerned about the situation of rural women, who are disproportionately affected by poverty and have limited access to education, employment, and health-care services. The Committee is concerned that, in practice, women living in rural areas may not benefit fully and equally from the State party's extensive recent legislative and policy framework for the promotion of gender equality. The Committee is also concerned about the absence of development programmes for rural women to assist them in obtaining the skills and resources necessary to become competitive in the labour market.

348. **The Committee urges the State party to give full attention to the needs of rural women and ensure that all policies and programmes aimed at promoting gender equality, including those in regard to health, education, employment and elimination of violence against women, reach the rural areas and are fully implemented at county level. In particular, it recommends that clear benchmarks and timetables be set and the implementation of the measures targeting rural women in the National Strategy for Equal Opportunities between women and men for the period 2006-2009 be effectively monitored. The Committee recommends that in its next report the Government provide information on the measures undertaken to empower rural women.**

349. **The Committee requests that information be provided in the next report about the situation of older women and women with disabilities.**

350. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

351. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

352. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

353. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Romania to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

354. **The Committee requests that the State party widely disseminate the present concluding comments in order to make the people, including governmental officials, politicians, parliamentarians and women's and human**

rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

355. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in February 2007, and its eighth periodic report, due in February 2011, in a combined report in 2011.**

Chapter V

Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

356. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Optional Protocol.

Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

357. The Committee continued consideration of matters arising in conjunction with its work under the Optional Protocol and decided to take action at its next session.

358. The Committee was briefed by two of its members, Cees Flinterman and Hanna Beate Schöpp-Schilling, serving as rapporteurs on follow-up to the views on communication No. 2/2003, *A. T. v. Hungary*. The Committee agreed to request further information from the State party on follow-up steps taken in response to the Committee's recommendations.

Chapter VI

Ways and means of expediting the work of the Committee

359. The Committee considered agenda item 6, ways and means of expediting the work of the Committee, at its 720th and 737th meetings, on 15 May and 2 June 2006.

Action taken by the Committee under agenda item 6

Members of the pre-session working group for the thirty-seventh and thirty-eighth sessions

360. The Committee decided that the members of the pre-session working group for the thirty-seventh and thirty-eighth sessions would be:

Silvia Pimentel
Glenda Simms
Dubravka Šimonović
Tiziana Maiolo
Mary Shanthi Dairiam
Rosario Manalo
Huguette Bokpe-Gnacadja
Dorcas Coker-Appiah

Dates of the thirty-sixth session, the pre-session working group for the thirty-seventh and thirty-eighth sessions and the eighth session of the Working Group on Communications under the Optional Protocol to the Convention

361. In accordance with the calendar of conferences and meetings for 2006, the thirty-sixth session of the Committee will be held from 7 to 25 August 2006. The pre-session working group for the thirty-seventh and thirty-eighth sessions will be held from 31 July to 4 August 2006. The eighth session of the Working Group on Communications under the Optional Protocol will be held from 2 to 4 August 2006.

Reports to be considered at future sessions of the Committee

362. The Committee confirmed that it will consider the following reports at its thirty-sixth to thirty-eighth sessions:

(a) **Thirty-sixth session**

Initial reports

Cape Verde

Periodic reports

China

Chile

Cuba

Czech Republic

Democratic Republic of the Congo
Denmark
Georgia
Ghana
Jamaica
Mauritius
Mexico
Philippines
Republic of Moldova
Uzbekistan

(b) **Thirty-seventh session**

Initial reports

Tajikistan

Periodic reports

Austria
Azerbaijan
Colombia
Greece
India
Kazakhstan
Maldives
Namibia
Netherlands
Nicaragua
Peru
Poland
Suriname
Viet Nam

(c) **Thirty-eighth session** (preliminary list to be completed)

Mauritania
Mozambique
Niger
Pakistan
Syrian Arab Republic
Vanuatu

Enhancing the Committee's working methods under article 18 of the Convention

Action on the agreements reached at the informal meeting of the Committee held in Berlin from 2 to 4 May 2006 at the invitation of the Government of Germany

363. The Committee adopted the following measures (see paras. 364-376 below) concerning its working methods in parallel chambers, effective as of the Committee's thirty-sixth session. The Committee also adopted other measures pertaining to its working methods.

Working methods of the Committee in regard to parallel chambers

Terminology

364. The Committee agreed to use the term "parallel chambers" rather than "parallel working groups". This terminology is consistent with that of the Committee on the Rights of the Child and thus contributes to ensuring overall consistency of terminology used by human rights treaty bodies in their work.

Procedure for establishing parallel chambers, including their membership

365. The Committee agreed on the necessity for clear, transparent and fair guidelines for determining the membership in parallel chambers. While noting the experience of the Committee on the Rights of the Child of drawing lots to randomly assign experts to chambers, the Committee noted that other options are also available for determining membership in parallel chambers.

366. The Committee agreed on the need for basic and consistent criteria for determining membership in chambers while recognizing the need for some flexibility to make adjustments in the composition of the two chambers as may be necessary. These criteria include fair geographical balance of experts between the two chambers; length of experience of experts on the Committee; assignment of experts who are nationals of a reporting State to the chamber that is not considering the report from that State party; assignment of office holders of the Committee to each chamber; and geographical balance, to the extent possible, of States whose reports are to be taken up in each chamber. Taking into account these criteria, the Committee agreed to decide on the membership in chambers based on a proposal to be submitted by its Bureau for action by the Committee in advance of each session.

367. The Committee decided to establish, at its thirty-fifth session, the composition of the parallel chambers for the thirty-sixth session (August) only. The membership for the thirty-seventh session (January) will be determined at the thirty-sixth session, subsequent to the fourteenth meeting of States parties, scheduled to take place on 23 June 2006, when elections for 12 experts of the Committee will be held.

Officers of the Committee in relation to parallel chambers

368. The Committee agreed that there was no need for any adjustment in regard to the number of office holders of the Committee. It noted that there was no need to have the function of rapporteur in each of the chambers. The Committee agreed that all its office holders could contribute to chairing the sessions of the two chambers.

Efforts will be made to ensure that office holders are assigned to each chamber in a balanced manner.

369. The Committee emphasized the critical role of the Bureau in ensuring that all possible issues that might arise from either of the chambers will be adequately addressed and brought to the attention of the Committee as a whole.

Role of the country rapporteur and preparation of concluding comments

370. The Committee agreed to further strengthen and enhance the role of the country rapporteur in regard to the consideration of States parties' reports, including preparation of a list of issues and questions, identification of issues and priorities to be raised during the constructive dialogue and drafting of the concluding comments. The country rapporteur will be responsible for facilitating inputs from all Committee experts to this process.

371. In advance of the session, country rapporteurs will prepare short written briefing notes on priority issues to be raised in the constructive dialogue with the State party. These briefing notes are intended to enable experts who serve in the parallel chamber to provide to country rapporteurs any particular questions, issues or concerns they would wish to have raised during a particular constructive dialogue in a chamber in which they are not members. This process is intended to ensure that all critical issues are covered in the constructive dialogue.

372. The Committee agreed that country rapporteurs will provide an oral briefing to the respective chamber in advance of consideration of a State party. The Committee emphasized that this briefing will not be used to provide a summary of the content of the report but rather to give background information and highlight the issues that warrant discussion.

373. The Committee agreed that the experience gained with country task forces was very useful as preparation for the parallel chambers, in particular as regards coordination among experts to ensure that all critical issues are covered adequately in the constructive dialogue. Consequently, the Committee agreed that similar coordination among experts will need to be undertaken on issues and priorities to be raised in the constructive dialogues in parallel chambers. Country rapporteurs will take a leading role in coordinating this effort.

374. After the constructive dialogue with a State party (in chambers for periodic reports and in plenary for initial reports), the country rapporteur, in closed meeting, will summarize the positive aspects as well as principal areas of concern and recommendations proposed for inclusion in the concluding comments. The country rapporteur will also prepare the first draft of the concluding comments and will coordinate further comments and inputs by Committee experts before finalization of the draft.

375. The Committee confirmed that as is its current practice, only issues and concerns raised during the constructive dialogue may be included in the concluding comments.

Modalities for consideration of reports in parallel chambers

376. The Committee will use flexible working methods for consideration of reports in parallel chambers, and will continue to apply effective time management. Each

expert will be limited to making two interventions per State party, of not more than five minutes each. Experts will also have the opportunity to pose follow-up questions as time permits. Chambers will use and benefit from the experience gained with country task forces when preparing the constructive dialogue with each State party.

Documentation

377. The Committee agreed that all experts will be provided with the complete documentation of each session.

Prioritization of issues to be included in concluding comments

378. The Committee agreed that the country rapporteur has a lead responsibility in identifying specific and priority issues for inclusion in the concluding comments. The Committee will continue its efforts of focusing concluding comments and agreed to further review the format of concluding comments at its thirty-fifth session.

Adoption of concluding comments

379. The Committee agreed that all concluding comments would be adopted in plenary meeting.

Work of the Committee in relation to the Optional Protocol

380. The Committee agreed that it will be essential to continue to allocate appropriate time at each session for consideration of and action on matters pertaining to the Optional Protocol procedures.

Other aspects of the Committee's working methods

Pre-session working group

381. The Committee agreed to keep under review the working methods of the pre-session working group, and in particular the format and content of the preparatory work undertaken by its Secretariat. The Committee underlined the importance of the pre-session working group assessing progress made in Convention implementation since consideration of the previous report as well as of follow-up action to the Committee's previous concluding comments. References to developments, or lack thereof, from earlier reports should be highlighted by the pre-session working group.

Follow-up to concluding comments

382. The Committee agreed to place emphasis on further enhancing the quality of its concluding comments, including their specificity. It agreed that the development of a follow-up mechanism should be discussed within the framework of the Inter-Committee Meeting and be based on evidence of results achieved by other treaty bodies that have already used this procedure.

Reform proposals pertaining to the human rights treaty bodies

383. The Committee considered the concept paper of the United Nations High Commissioner for Human Rights concerning a standing unified treaty body (HRI/MC/2006/2). The Committee agreed on the importance of enhancing the treaty body system as well as on the desirability to consider other options beyond the one proposed by the High Commissioner. To that end, the Committee agreed to prepare an alternative proposal on strengthening the human rights treaty body system and to submit it for discussion to the fifth Inter-Committee Meeting (19-21 June 2006).

Harmonized reporting guidelines and standardization of terminology

384. The Committee took note with appreciation of the work accomplished by the technical working group consisting of one representative of each of the seven human rights treaty bodies on harmonized guidelines on reporting under international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3). The Committee endorsed the harmonized guidelines on reporting and agreed to recommend their adoption by the Inter-Committee Meeting based on authorization by all treaty bodies. It recommends that the inter-committee meeting determine a date as to when the harmonized guidelines on reporting should become applicable to States parties. The Committee further recommends that future Chairpersons and inter-committee meetings consider reviewing the implementation of the harmonized reporting guidelines after one or two years, in the light of the experience gained by then and in the light of further work on statistical indicators. The Committee also recommends that the inter-committee meeting consider the establishment of a mechanism within the treaty bodies to ensure their continuous involvement in the analysis of linkages between treaty provisions and the information that should be included in the common core document.

385. The Committee further agreed to review, in due course, its own guidelines for reporting under the Convention in the light of the new harmonized guidelines on reporting. It agreed to compile proposals for amendment and further improvement of the guidelines in the future.

386. The Committee considered the proposals for the harmonization of inconsistent terminology used by the treaty bodies (see HRI/MC/2005/2, annex). It agreed on proposals to be presented by its Chairperson at the fifth inter-committee meeting, whereby the Committee also authorized its Chairperson to show flexibility so as to ensure that consensus could be found among all treaty bodies on the matter.

Follow-up to requests of the Commission on the Status of Women

387. The Committee noted with appreciation the invitation by the Commission on the Status of Women that the Committee contribute, where appropriate, to the discussion on the priority theme of the Commission on future organization and methods of work of the Commission on the Status of Women. It also noted the Commission's invitation that the Committee provide its views on ways and means that could best complement the work of the existing mechanisms and enhance the Commission's capacity with respect to discriminatory laws (Commission on the Status of Women resolution 50/3, in regard to E/CN.6/2006/8). The Committee considered these invitations and based on views expressed and suggestions made by

experts, designated Huguette Bokpe-Gnacadja and Dubravka Šimonović to prepare a preliminary draft for discussion at the Committee's thirty-sixth session.

Guidelines on the role and function of the country rapporteur

388. The Committee first designated country rapporteurs at its nineteenth session. Since then it has gradually enhanced and strengthened their role and functions (see nineteenth, thirty-first and thirty-fifth sessions). The following guidelines consolidate the tasks assigned to the country rapporteur in regard to three phases of consideration of reports of States parties.

389. In order to further enhance the effectiveness of the consideration of reports of States parties and to continuously improve the quality of the constructive dialogue with reporting States, the Committee designates from among its members a country rapporteur for the report(s) of each State party. Country rapporteurs are designated approximately two sessions in advance of the session when the report(s) of a State party will be considered, and that information will be included in the Committee's annual report.

390. The roles and functions of the country rapporteur pertain to the following three phases of the consideration of reports:

- Preparation of a list of issues and questions for the pre-session working group
- Consideration of the report(s) of the State party, in particular the identification of issues and priorities to be raised during the constructive dialogue
- Preparation and finalization of draft concluding comments.

391. All experts participate in the three stages of the consideration of a report, while the country rapporteur facilitates and coordinates the process. The experience gained by the Committee in using country task forces for consideration of periodic reports will contribute to the effective examination of a given report.

Preparation of a list of issues and questions

392. The Committee designates a country rapporteur in advance of the meeting of the pre-session working group that is entrusted with the adoption of the list of issues and questions for the State party concerned.

393. Based on the State party's report and assisted by background information (country files) prepared by the Secretariat, the country rapporteur draws up a draft list of issues and questions. The country rapporteur also seeks additional information on the situation of women in the State party under review. The draft list of issues and questions is submitted to the pre-session working group for consideration, further review and revision and adoption before it is sent to the State party for written replies.

394. As far as possible, country rapporteurs are included in the pre-session working group tasked with preparation of the lists of issues and questions with regard to the States parties selected for consideration.

Consideration of reports

395. In advance of the session at which the report(s) will be considered, the country rapporteur prepares short written briefing notes on priority issues to be raised in the

constructive dialogue with the State party. These briefing notes, which will be distributed to all experts, are intended to enable experts who serve in the parallel chamber to provide to the respective country rapporteur any particular questions, issues or concerns they would wish to have raised during a particular constructive dialogue in a chamber where they are not members. That process is intended to ensure that all critical issues are covered in the constructive dialogue. Such written briefing notes will also be prepared for consideration of reports in plenary meeting.

396. The country rapporteur provides a short oral briefing of 10 to 15 minutes to the Committee — in plenary meeting or the respective chamber, as applicable — in closed meeting in advance of the consideration of the report(s). The briefing highlights the main priorities, challenges and issues for consideration. It will not be used for providing a summary of the content of the report but rather to give background information and highlight the issues that warrant discussion. The country rapporteur also refers to the rationale for the priorities contained in the list of issues and questions.

Preparation and finalization of draft concluding comments

397. Immediately after the constructive dialogue with a State party (in chambers for periodic reports and in plenary for initial reports), the respective chamber or plenary holds a closed meeting to consider the main issues to be reflected in the concluding comments relating to the report(s) of the State party. Only issues and concerns raised during the constructive dialogue may be included in the concluding comments.

398. In closed meeting, the Committee (in chambers for periodic reports and in plenary for initial reports) agrees on the issues to be included in the concluding comments, starting from the proposals of the country rapporteur of the positive aspects as well as principal areas of concern and recommendations to be reflected in the concluding comments. Concluding comments drafted thereafter reflect the issues retained by the Committee, and do not reflect the views of the individual country rapporteur. The country rapporteur prepares the first draft of the concluding comments with the support of the Secretariat, and coordinates further comments and inputs by Committee experts before finalization of the draft.

399. All concluding comments are adopted by the Committee in plenary meeting.

Interaction with specialized agencies and other bodes of the United Nations system

400. The Committee noted with appreciation the information presented by UNICEF, UNHCR, UNFPA and ILO, and the statement made by UNIFEM, as well as the quality of the dialogue held with representatives of those entities in its closed meeting on 15 May.

401. The Committee agreed to consider, at its thirty-seventh session, the purpose and terms of reference of Committee focal points vis-a-vis United Nations entities, human rights treaty bodies, and other bodies.

United Nations reform

402. The Committee discussed the ongoing United Nations reform processes as they pertain to the area of gender equality and women's human rights with Rachel Majanya, Special Adviser on Gender Issues and Advancement of Women, and with Carolyn Hannan, Director of the Division for the Advancement of Women. The Committee took a particular interest in the work of the Secretary-General's High-level Panel on United Nations system-wide coherence in the areas of development, humanitarian assistance, and the environment; and the so-called mandates review of the General Assembly. It agreed to continue this consideration at future sessions.

Website of the Division for the Advancement of Women

403. The Committee reiterated its request to the Division for the Advancement of Women to submit to the Committee an estimate of resources required to store electronically and make available on the website the documentation relating to the early years of the work of the Committee.

Chapter VII

Implementation of article 21 of the Convention

404. The Committee considered agenda item 5, on the implementation of article 21 of the Convention, at its 720th and 737th meetings, on 15 May and 2 June 2006.

Action taken by the Committee under agenda item 5

General recommendation on article 2 of the Convention

405. Members of the task force for a general recommendation on article 2 provided an update on the status of its work.

General recommendation on migrant women

406. The Committee was briefed by a group of experts about the proposed approach and substantive content of the draft general recommendation on migrant women, and engaged in discussion on the format, approach, content and proposed timetable for future work on the draft. The Committee agreed to continue the discussion at the thirty-sixth session, on the basis of a revised draft taking into account comments made and agreements reached.

Chapter VIII

Provisional agenda for the thirty-sixth session

407. The Committee approved the following draft provisional agenda for its thirty-sixth session at its 737th meeting, on 2 June 2006:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the thirty-fifth and thirty-sixth sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
8. Provisional agenda for the thirty-seventh session.
9. Adoption of the report of the Committee on its thirty-fifth session.

Chapter IX

Adoption of the report

408. The Committee considered the draft report on its thirty-fifth session (CEDAW/C/2006/II/L.1) at its 737th meeting (see CEDAW/C/SR.737) and adopted it, as orally revised during the discussion.

Notes

[1] The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Annex I

Statement by the Committee on the Elimination of Discrimination against Women

Towards a harmonized and integrated human rights treaty bodies system

1. The present statement is the contribution of the Committee on the Elimination of Discrimination against Women to the ongoing reform debate concerning the human rights treaty bodies.

2. The Committee recalls the plan of action of the Office of the United Nations High Commissioner for Human Rights (A/59/2005/Add.3, annex) and the proposals contained therein for the reform of the human rights treaty bodies. The Committee expresses its appreciation for the concept paper by the Office of the United Nations High Commissioner for Human Rights concerning the proposal for a unified standing treaty body (HRI/MC/2006/CRP.1).

3. The Committee notes that the principal objective of the human rights treaty bodies is to contribute to the strengthening of the protection and promotion of human rights at the national level through a constructive dialogue with States parties on their effective implementation of obligations contained in human rights treaties. In this regard the Committee stresses that, over the years, the treaty bodies have achieved an increasing impact on ensuring the enjoyment of human rights and fundamental freedoms by all rights holders at the national level. The work of the treaty bodies has also contributed to strengthening the international commitment to the protection and promotion of human rights.

4. The Committee acknowledges that the existing treaty bodies are facing serious challenges, which have been described in the concept paper of the Office of the United Nations High Commissioner for Human Rights. However, the Committee is of the view that the proposal to create a unified standing treaty body does not respond to such challenges and implies a serious risk of undermining the differentiation and specificity of human rights as enshrined in the seven major international human rights treaties.

5. The Committee believes that it is imperative for the existing treaty bodies to work as much as possible as a harmonized and integrated system so as to enhance the visibility, accessibility and effectiveness of the treaty bodies. The Committee also believes that such efforts should build on the progressive interpretation of the different treaties by the treaty bodies, as relevant.

6. The Committee furthermore emphasizes the importance of the newly established Human Rights Council and the need for developing effective cooperation between the Council and the treaty bodies.

7. The Committee therefore proposes that the treaty bodies intensify their efforts to enhance the long-term efficiency of the treaty body system in the coming years and increase their efforts to further harmonize, coordinate and integrate the various aspects of their mandates without losing the specificity of their different roles. In order to give substance to harmonization, coordination and integration efforts, the

Committee proposes that the treaty bodies take procedural and substantive steps, including the following:

(a) Further harmonization, where appropriate, of the working methods of the treaty bodies;

(b) Harmonization of the rules of procedure and working methods of the treaty bodies on individual communications and enquiry procedures, where applicable;

(c) Efforts to ensure that the States parties use the new harmonized guidelines on reporting under the international human rights treaties;

(d) The recommendation of an increase in the number of meetings of Chairpersons from one to two per year, to coincide with the sessions of the Human Rights Council;

(e) Efforts to create an effective joint relationship with the Human Rights Council;

(f) Efforts to ensure that the Chairperson of the meeting of chairpersons of human rights treaty bodies addresses the Human Rights Council during its annual session on behalf of and on matters pertaining to all treaty bodies;

(g) Efforts to ensure that the Chairperson of each treaty body addresses the Council during its annual session on matters that are specific to that treaty body.

8. The Committee calls upon States parties and urges the Office of the United Nations High Commissioner for Human Rights and the Division for the Advancement of Women to ensure adequate secretarial and financial support for the long-term efficiency of the activities of the treaty bodies. It also urges the Office and the Division to strengthen the visibility of the work of the treaty bodies as elements of a harmonized, well-coordinated and integrated treaty bodies system within an invigorated framework of human rights protection and promotion.

9. The Committee on the Elimination of Discrimination against Women invites the fifth Inter-Committee Meeting, scheduled to be held from 19 to 21 June 2006 in Geneva, to consider the present statement. It encourages the treaty bodies established under the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to lend their support to the present statement.

Part three
Report of the Committee on the Elimination of Discrimination against Women on its thirty-sixth session

Chapter I

Matters brought to the attention of States parties

Decisions

Decision 36/I

The Committee is grateful to the General Assembly for the extension of its meeting time in 2006 and 2007. It met for the first time in parallel chambers at its thirty-sixth session, where it considered the reports of fourteen States parties, whose delegations participated in a very active manner in the constructive dialogue. Having undertaken an assessment of this first experience, the Committee is of the view that the parallel chambers allowed for a more in-depth and careful consideration of the status of implementation of, and compliance with the Convention in the reporting States. The Committee is also satisfied with the working methods in the parallel chambers, and confirms that their flexible use enhanced the constructive dialogue. The Committee intends to further build on the experience gained and to improve the working methods in parallel chambers at future sessions, including its time management, so as to further enhance the quality of the constructive dialogue.

The extension of its meeting time in 2006 and 2007 allows the Committee to reduce significantly the backlog of reports awaiting consideration. At the same time, the Committee anticipates that effective and timely implementation of all its responsibilities beyond the biennium 2006/07 will require that it be provided with extended meeting time in 2008 and beyond. The Committee therefore intends to submit a further proposal for extended meeting time to the General Assembly at its sixty-second session. That proposal will be based on a thorough assessment of current requirements, including the number of reports awaiting consideration, experience gained and progress made in implementation of all its responsibilities under the Convention and its Optional Protocol.

Decision 36/II

Statement regarding the situation of women in the Middle East

The Committee adopted a statement on the situation of women in the Middle East (see annex VII to part three of the present report).

Chapter II

Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the Optional Protocol

1. As at 25 August 2006, the closing date of the thirty-sixth session of the Committee on the Elimination of Discrimination against Women, there were 184 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981. Forty-seven States parties had accepted the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time.

2. On the same date, there were 79 States parties to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 54/4 of 6 October 1999 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with article 16, the Optional Protocol entered into force on 22 December 2000.

3. A list of States parties to the Convention as at 31 August 2006, a list of States parties that have deposited with the Secretary-General instruments of acceptance of the amendment to article 20, paragraph 1, of the Convention, and a list of States parties that have signed, ratified or acceded to the Optional Protocol to the Convention, as at 31 August 2006 are contained in annexes I to III to part three of the present report, respectively.

B. Opening of the session

4. The Committee held its thirty-sixth session at United Nations Headquarters from 7-25 August 2006. The Committee held 18 plenary meetings (738th to 755th), whereby 14 meetings (739th to 752nd) were held in parallel chambers. The Committee also held 10 meetings to discuss agenda items 4, 5, 6 and 7. A list of the documents before the Committee is contained in annex IV to part three of the present report.

5. The session was opened by the Committee's Chairperson, Rosario Manalo.

6. The Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, Rachel Mayanja, and the Director of the Division for the Advancement of Women, Carolyn Hannan, addressed the Committee at its 738th meeting.

C. Adoption of the agenda

7. The Committee considered the provisional agenda (CEDAW/C/2006/III/1) at its 738th meeting. The agenda was adopted as follows:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the thirty-fifth and thirty-sixth sessions of the Committee.
4. Consideration of the reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
8. Provisional agenda for the thirty-seventh session.
9. Adoption of the report of the Committee on its thirty-sixth session.

D. Report of the pre-session working group

8. At the 738th meeting, Dubravka Šimonović introduced the report of the pre-session working group. The pre-session working group for the thirty-sixth session of the Committee met from 6 to 10 February 2006 (CEDAW/PSWG/2006/II/CRP.1).

E. Organization of work

9. At the 738th meeting, the Chief of the Women's Rights Unit, Division for the Advancement of Women, Christine Brautigam, introduced item 5, implementation of article 21 of the Convention (CEDAW/C/2006/III/3 and Add.1, 3 and 4), and item 6, ways and means of expediting the work of the Committee (CEDAW/C/2006/III/4 and CEDAW/C/2006/III/2).

10. On 7 August 2006, the Committee held a closed meeting with representatives of specialized agencies and bodies of the United Nations in which country-specific information was provided as well as information on the efforts made by the body or entity concerned to promote the provisions of the Convention at the national and regional levels through its own policies and programmes.

11. On 7 and 14 August, the Committee held informal public meetings with representatives of non-governmental organizations, who provided information about the implementation of the Convention in States reporting at the thirty-sixth session: Cape Verde, China, Cuba, Czech Republic, Democratic Republic of the Congo, Georgia, Ghana, Jamaica, Mexico, Republic of Moldova, Philippines and Uzbekistan.

F. Membership of the Committee

12. Tiziana Maiolo and Silvia Pimentel did not attend the session. The following experts attended the session in part: Ms. Bokpe-Gnacadja from 7-18 August; Ms. Morvai from 10-25 August; Ms. Manalo from 7-16 August; Ms. Khan from 21-25 August; Ms. Tavares da Silva from 14-25 August. A list of members of the Committee, indicating the duration of their terms of office, is contained in annex V to part three of the present report.

Chapter III

Report of the Chairperson on the activities undertaken between the thirty-fifth and thirty-sixth sessions

13. At the 738th meeting, the Chairperson reported on her activities undertaken since the thirty-fifth session. She highlighted her participation in the fifth Inter-Committee meeting and eighteenth meeting of Chairpersons, held in Geneva from 19-21, and 22 and 23 June 2006, respectively.

Chapter IV

Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

14. At its thirty-sixth session, the Committee considered the reports of 15 States parties: the combined initial, second, third, fourth, fifth and sixth periodic report of one State party; the combined second and third periodic report of three States parties; the third periodic report of one State party; the combined third, fourth and fifth periodic report of two States parties; the fourth periodic report of one State party; the combined fourth and fifth periodic report of one State party; the fifth periodic report of one State party; the combined fifth and sixth periodic report of three States parties; and the sixth periodic report of two States parties.

15. The Committee prepared concluding comments on each of the reports of States parties considered. The concluding comments of the Committee are set out below.

B. Consideration of reports of States parties

1. Combined initial, second, third, fourth, fifth and sixth periodic report

Cape Verde

16. The Committee considered the combined initial, second, third, fourth, fifth and sixth periodic report of Cape Verde (CEDAW/C/CPV/1-6) at its 753rd and 754th meetings, on 18 August 2006 (see CEDAW/C/SR.753 and 754). The Committee's list of issues and questions is contained in CEDAW/C/CPV/Q/6 and the responses of Cape Verde are contained in CEDAW/C/CPV/Q/6/Add.1.

Introduction

17. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women without reservations. It expresses its appreciation to the State party for its combined initial, second, third, fourth, fifth and sixth periodic report, which followed the Committee's guidelines for the preparation of reports, but which was long overdue and lacked reference to the Committee's general recommendations. The Committee expresses its appreciation to the State party for the oral presentation, the written replies to the list of issues and questions raised by its pre-session working group, and the further clarifications to the questions orally posed by the Committee.

18. The Committee commends the State party for its high-level delegation, headed by the Minister of the Presidency of the Council of Ministers, State Reform and National Defence, and which included the Permanent Representative of Cape Verde to the United Nations and representatives of different government departments with expertise in a broad range of areas covered by the Convention. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

19. The Committee notes with appreciation that the report was prepared in a participatory process involving government bodies and non-governmental organizations.

20. The Committee notes with satisfaction that the report includes reference to the State party's efforts to accomplish the strategic objectives of the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women

Positive aspects

21. The Committee commends the State party for addressing gender equality and the advancement of women through a human rights framework and for taking into consideration international human rights instruments in the development of the National Gender Equality and Equity Plan for the period 2005-2009, and the National Poverty Alleviation Programme.

22. The Committee welcomes the declared commitment and political will of the State party to implement fully the provisions of the Convention and to work towards a speedy ratification of the Optional Protocol to the Convention.

23. The Committee congratulates the State party on its recent legislative reforms aimed at achieving compliance with its obligations under the Convention. In particular, it welcomes the entry into force of the new Criminal Code (2004), the new Code of Criminal Procedure (2005), Regulatory Decree No. 10/2004 of 8 November 2004 relating to legal aid, Regulatory Decree No. 8/2005 of 10 October 2005 regulating the creation of arbitration centres, and Decree No. 30/2005 of 9 May 2005 creating mediation centres, as well as the promulgation of Decree No. 62/2005 of 10 October 2005 creating law centres to promote access to justice and the law.

24. The Committee commends the State party for the establishment, in 1994, of the Institute on the Status of Women, subsequently renamed the Institute of Gender Equality and Equity, and in 2004, of the National Commission on Human Rights and Citizenship. It also commends the State party for the adoption of the National Poverty Alleviation Programme, the Plan of Action for Human Rights and Citizenship and the National Gender Equality and Equity Plan for the period 2005-2009.

25. The Committee expresses its appreciation to the State party for its regular cooperation and partnership with non-governmental organizations in efforts aimed at implementing the Convention, in particular with regard to the provision of technical vocational training programmes targeting the most disadvantaged groups of women, the promotion of income-generating activities for women, the implementation of awareness-raising initiatives and campaigns on domestic violence and women's rights, and assistance in the planning and implementation of various programmes and projects on gender issues.

Principal areas of concern and recommendations

26. While noting that international instruments may be invoked before the courts by any individual, the Committee is concerned that the provisions of the Convention, including the general recommendations of the Committee that interpret the Convention, are not widely known in the country and are not utilized in bringing cases related to gender-based discrimination before the courts.

27. **The Committee calls upon the State party to widely disseminate the Convention and the Committee's general recommendations to all stakeholders, including government ministries, parliamentarians, the judiciary, political parties, non-governmental organizations, the private sector and the general public. The Committee also encourages the State party to develop awareness-raising programmes and training on the provisions of the Convention, including initiatives that aim to sensitize judges, lawyers and prosecutors at all levels.**

28. The Committee notes that, although its Constitution refers to the principle of equality, the State party tends to use both the terms "equity" and "equality" in its plans and programmes. The Committee is concerned that the use of the term "equity" may be ambiguous in regard to the achievement of substantive equality between women and men, as required by the Convention.

29. **The Committee urges the State party to take note that the terms "equity" and "equality" convey different messages and that it is necessary to avoid conceptual confusion. The Convention is aimed at eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee therefore recommends that the State party use the term "equality" in all its efforts aimed at the practical realization of the principle of equality of women and men, as required under article 2 of the Convention.**

30. While welcoming that the human and financial resources for the national machinery for the advancement of women have increased over the years, the Committee is concerned that, since the main sources of funding for the activities of the national machinery are provided by international organizations, the national machinery may suffer from a lack of resources in the future. The Committee is also concerned about the limited implementation of the gender mainstreaming strategy by all public institutions and the lack of a strong mechanism to coordinate and assess the implementation of the gender mainstreaming strategy and the results achieved.

31. **The Committee recommends that the State party ensure the provision and sustainability of human and financial resources for the national machinery for the advancement of women in the State budget also through bilateral and international cooperation, in order to fully enable the national machinery to continue implementing programmes and projects on gender equality and the advancement of women. The Committee calls on the State party to enhance the use of the gender mainstreaming strategy in all policies and programmes by strengthening the capacity of the national machinery to act as a coordinating mechanism. This should also include strengthening the capacity of all ministries and other government bodies to effectively use the gender mainstreaming strategy, in particular through training and capacity-building measures on gender issues for public officials.**

32. The Committee is concerned about the persistence of deep-rooted traditional patriarchal stereotypes regarding the role and responsibilities of women and men in the family and in society at large.

33. **The Committee urges the State party to disseminate information on the content of the Convention in the educational system, and review school**

textbooks, human rights education and gender equality training, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.

34. While welcoming the measures taken by the State party to address violence against women, including the criminalization of domestic violence under the Criminal Code that entered into force in 2004, the Committee expresses its concern that violence against women, including domestic violence, continues to prevail in the country. The Committee is also concerned that insufficient information was provided in the report on the question of sexual harassment.

35. **The Committee calls upon the State party to implement a comprehensive and coherent approach to addressing violence against women, which should include prevention efforts, training measures aimed at judicial officers in order to enhance their capacity to deal with violence against women in a gender-sensitive manner and measures to provide support for victims. It also requests the State party to ensure that perpetrators are speedily brought to justice. Moreover, the Committee recommends that the State party closely monitor the impact of its policies and programmes with regard to the prevention of, and redress for victims of, all forms of violence against women, including sexual harassment.**

36. While welcoming measures taken to combat human trafficking, including the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the signing of bilateral agreements in both civil and criminal matters with a number of other countries, the Committee is concerned that Cape Verde remains a country of transit for trafficked women and girls. The Committee is also concerned about the exploitation of women and girls who resort to prostitution as a survival strategy, and about the potential negative impact that increased tourism could have on the incidence of prostitution.

37. **The Committee calls on the State party to adopt further measures against the trafficking in women and girls and the exploitation of prostitution, as well as to intensify international, regional and bilateral cooperation with countries of origin, transit and destination for trafficked women and girls in order to further curb the phenomenon. The Committee requests the State party to implement measures aimed at improving women's social and economic situation and thus prevent prostitution, to closely monitor the impact of increased tourism on prostitution and to enhance related prevention measures, and to put in place services for the rehabilitation and reintegration of women and girls involved in prostitution.**

38. While welcoming the increasing participation of women in some appointed bodies, including the judiciary, where women constitute 46.9 per cent of the total number, the Committee is concerned that women's participation in elected bodies remains low. The Committee is concerned that although the electoral code provides for mechanisms to promote the participation of women in political and public life, there is no regulation on the implementation of such mechanisms.

39. **The Committee urges the State party to accelerate and increase the representation of women in elected and appointed bodies, including through the preparation of necessary regulations to put in place the mechanism envisaged by the electoral code, and to adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendations 25, on temporary special measures, and 23, on women and public life. The Committee requests the State party to conduct awareness-raising activities regarding the importance of women's participation in public and political life and at decision-making levels as a democratic requirement. It also requests the State party to encourage men to undertake their fair share of domestic responsibilities so that women can devote time to public and political life.**

40. While commending the efforts made by the State party to ensure that women have access to all levels of education, and noting that there is a similar percentage of girls and boys at different levels of the education system, the Committee remains concerned about the high illiteracy rate for women in the country (32.8 per cent), especially in rural areas (44 per cent). The Committee is also concerned that girls and women continue to choose study areas traditionally seen as "female areas" and that they are underrepresented in the technical stream. The Committee is further concerned that a significant number of pregnant girls who leave school as a result of the measure of "temporary suspension of pregnant girls from school" do not resume their studies after giving birth.

41. **The Committee recommends that the State party continue and intensify its efforts to improve the literacy level of girls and women, particularly rural women, through the adoption and implementation of comprehensive programmes, in collaboration with civil society, at the formal and non-formal levels and through adult education and training. The Committee calls on the State party to encourage the diversification of the educational choices of boys and girls in order to attract more women to the fields of science and technology. The Committee requests the State party to continue assessing the measure of "temporary suspension of pregnant girls from school" to ensure that it achieves its intended goal of giving pregnant students an opportunity to resume their studies after giving birth rather than resulting in the abandonment of their studies. The Committee recommends that the State party implement further measures to support pregnant girls and enhance its measures to raise awareness in secondary schools about teenage pregnancy prevention. The Committee encourages the State party to monitor and regularly assess the impact of such policies and programmes in relation to the full implementation of article 10 of the Convention.**

42. While welcoming the adoption of legislative measures to ensure equal rights of men and women at work, the Committee expresses its concern about the de facto discrimination faced by women in employment, as reflected in the hiring process, the wage gap and occupational segregation. It is concerned about the different legal provisions governing the public and private sectors, especially on the issue of maternity benefits, which put women working in the private sector at a disadvantage. The Committee is also concerned that employment in newly established sectors, such as tourism and light industry, may have a negative impact on women if their labour rights are not sufficiently guaranteed.

43. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market, in accordance with article 11 of the Convention, and to harmonize legal provisions for the public and private sectors, especially in relation to the provision of maternity benefits. The Committee requests the State party to pay particular attention to the impact on women of employment in the tourism and light industry sectors. It also calls on the State party to provide in its next report detailed information about the measures taken and their impact on realizing equal opportunities for women.**

44. While welcoming the significant progress made in improving women's access to reproductive health care and services, the Committee expresses its concern that the maternal mortality rate remains high, including deaths resulting from unsafe abortions, and which may be an indication that the existing sex education programmes are not sufficient and may not give enough attention to all aspects of prevention, including prevention of early pregnancy and the control of sexually transmitted diseases and HIV/AIDS. While noting the work of civil society organizations in the provision of reproductive health services, the Committee is concerned about whether regulations are in place to monitor the quality of services and the observance of ethical standards. The Committee is further concerned that the intended introduction of user fees for the provision of health services may restrict the access of women, particularly of the most vulnerable groups, to those services.

45. **The Committee calls upon the State party to further improve the availability of sexual and reproductive health services, particularly in rural areas, including family planning information and services, and antenatal, post-natal and obstetric services, and to set targets and benchmarks to achieve the Millennium Development Goal of reducing maternal mortality. It also recommends that the State party enhance its measures to increase knowledge of and access to a wide range of contraceptive methods, so that women and men can make informed choices about the number and spacing of children, and women do not have to resort to unsafe abortions, which may result in death, thus increasing the maternal mortality rates. It further recommends that sex education be widely promoted and targeted at adolescent girls and boys, with special attention paid to the prevention of early pregnancy and the control of sexually transmitted diseases and HIV/AIDS. The Committee also recommends that the provision of reproductive health services by civil society organizations be regularly monitored, in terms of both quality of care and the observance of ethical standards. The Committee further recommends that the State party ensure that the introduction of user fees is monitored with a view to eliminating any negative impact they may have, particularly on women of the most vulnerable groups.**

46. The Committee notes with concern that women are the main victims of poverty, in particular women heads of households, unemployed women and women with low levels of education, especially in rural areas.

47. **The Committee urges the State party to pay special attention to the needs of women living in poverty, especially in rural areas. It urges the State party to ensure that those women have access to education, land, technology and income-generating projects. The Committee also recommends that the State party collect data on the situation of rural women, to be included in its next report.**

48. The Committee notes with concern that, although legislation guarantees women equal rights with men in matters relating to marriage and family relations, women still face de facto discrimination in those areas, such as de facto polygamy. The Committee is also concerned that the legal age of marriage, although established at 18 years for boys and girls, may be lowered to 16 years for boys and girls and while acknowledging the very low percentage of such marriages, the Committee remains concerned that this could encourage early marriages.

49. **The Committee requests the State party to implement awareness-raising measures aimed at achieving gender equality in marriage and family relations, as called for in the Committee's general recommendation 21, on equality in marriage and family relations, including measures aimed at eliminating polygamy and at fully implementing the minimum age for marriage at 18 years for both boys and girls.**

50. The Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention. The Committee is also concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

51. **The Committee calls upon the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex and by rural and urban areas, indicating the impact of measures taken and the results achieved in the practical realization of women's substantive equality.**

52. **The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

53. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

54. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

55. **The Committee commends the State party for having ratified the seven major international human rights instruments.**[1] **It notes that the State party's adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

56. **The Committee requests the wide dissemination in Cape Verde of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate**

widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

57. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in September 2006, and its eighth periodic report, which is due in September 2010, in a combined report in September 2010.**

2. Combined second and third periodic reports

Georgia

58. The Committee considered the combined second and third periodic report of Georgia (CEDAW/C/GEO/2-3) at its 747th and 748th meetings, on 15 August 2006 (see CEDAW/C/SR.747 and 748). The Committee's list of issues and questions is contained in CEDAW/C/GEO/Q/3, and Georgia's responses are contained in CEDAW/C/GEO/Q/3/Add.1.

Introduction

59. The Committee expresses its appreciation to the State party for its combined second and third periodic report, which followed the Committee's guidelines for the preparation of reports, while regretting that it provided insufficient statistical data disaggregated by sex. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, and for the oral presentation, which elaborated on the recent developments in the implementation of the Convention in Georgia, and for the responses to the questions posed orally by the Committee.

60. The Committee expresses its appreciation to the State party for the constructive dialogue held between the delegation, which was headed by a member of the Parliament of Georgia, who is the Coordinator for the Gender Equality Advisory Council under the Speaker of the Parliament, and the members of the Committee. It notes that the delegation did not include any representatives from the relevant Government ministries or offices.

61. The Committee commends the State party for the accession, in August 2002, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as well as for the acceptance, in September 2005, of the amendment to article 20, paragraph 1, of the Convention.

Positive aspects

62. The Committee commends the State party on the elaboration of the State Concept for Gender Equality, which the Committee hopes will lead to concrete actions for the promotion of gender equality in Georgia. The Committee notes the intention of the State party to elaborate and adopt in the next six months the Gender

Equality National Action Plan for the implementation of the State Concept for Gender Equality.

63. The Committee welcomes recent legislative initiatives and related activities aimed at addressing violence against women, including the adoption of the Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence of June 2006, and the Law on Combating Human Trafficking of April 2006, as well as the adoption of the National Action Plan against Human Trafficking and the establishment of the inter-agency commission for the coordination of activities against human trafficking and efficient implementation of the action plan.

64. The Committee welcomes the State party's continued collaboration with women's non-governmental organizations in the elaboration of plans and other activities aimed at eliminating discrimination against women and promoting gender equality. The Committee hopes such collaboration will continue and be enhanced in all areas, including in the elaboration of laws and in the assessment of plans and programmes.

Principal areas of concern and recommendations

65. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

66. The Committee regrets the limited availability of statistical data disaggregated by sex as well as by ethnicity, age, and by urban and rural areas, which makes it more difficult to assess progress and trends over time in the actual situation of women and in their enjoyment of their human rights in regard to all areas covered by the Convention.

67. **The Committee calls upon the State party to enhance its collection of data in all areas covered by the Convention, disaggregated by sex as well as by ethnicity, age and by urban and rural areas as applicable, so as to assess the actual situation of women and their enjoyment of their human rights, and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and action plans and to evaluate progress achieved towards realization of women's de facto equality. It encourages the State party to use those data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include in its next report such statistical data and analysis.**

68. The Committee is concerned that the State party lacks a comprehensive approach to policies and programmes aimed at achieving women's equality with men, addressing both direct and indirect discrimination against women.

69. **The Committee recommends that the State party ensure a comprehensive approach to the implementation of the Convention, encompassing all policies and programmes devoted to achieving equality between women and men. Such efforts should be targeted at overcoming direct as well as indirect discrimination and at realizing women's substantive equality. The Committee recommends that gender mainstreaming as a strategy for achieving gender equality be introduced in all public institutions, policies and programmes, supported by gender training and the creation of a network of focal points in all sectoral Government ministries and offices. The Committee also recommends that the State party include specific time frames for the implementation of all policies and programmes aimed at achieving equality between women and men.**

70. The Committee is concerned that the provisions of the Convention, the Optional Protocol and the general recommendations of the Committee are not sufficiently known, including by judges, lawyers and prosecutors, and by women themselves, as indicated by the absence of any court decisions that referred to the Convention.

71. **The Committee calls on the State party to take additional measures to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations, and to implement programmes for prosecutors, judges, ombudspersons and lawyers that cover all relevant aspects of the Convention and the Optional Protocol. It also recommends that sustained awareness-raising and legal literacy training campaigns targeting women, including rural women and non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of procedures and remedies for violations of their rights under the Convention.**

72. While noting the creation of the Gender Equality Advisory Council under the Speaker of the Parliament and the Governmental Commission on Gender Equality, the Committee is concerned about the absence of a permanent national machinery for the advancement of women that has sufficient visibility, decision-making power and financial and human resources and institutional sustainability to promote effectively the advancement of women and gender equality. It is also concerned that the existing mechanism may not have the resources and authority needed to coordinate effectively the Government's work to promote gender equality and the full implementation of the Convention.

73. **The Committee urges the State party to put in place a permanent institutional mechanism that recognizes the specificity of discrimination against women and is exclusively responsible for the promotion of formal and substantive equality of women and men and for the monitoring of the practical realization of that principle. It calls upon the State party to endow such a mechanism at the highest political level with the necessary authority and human and financial resources. In that regard, the Committee refers to its general recommendation 6 and the guidance provided in the Beijing Platform for Action on national machinery for the advancement of women, in particular regarding the necessary conditions for the effective functioning of such machinery.**

74. While noting the efforts of the State party to eliminate gender stereotypes from school textbooks at the primary school level, the Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Georgia, which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life. It is concerned that girls and women in secondary schools and universities continue to choose study areas traditionally seen as "female areas".

75. **The Committee encourages the State party to continue its efforts to eliminate gender stereotyping, and to strengthen the mainstreaming of gender perspectives in curricula and textbooks. It also requests the State party to enhance the training of teaching staff in regard to gender equality issues. The Committee urges the State party to disseminate information on the Convention in programmes in the educational system, including human rights education and gender training, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres. The Committee calls on the State party to further encourage diversification of the educational choices of boys and girls. It also urges the State party to encourage a public dialogue on the educational choices girls and women make and their subsequent opportunities and chances in the labour market.**

76. While noting the adoption of the Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence, the Committee continues to be concerned about the prevalence of violence against women, including domestic violence, in Georgia. It is concerned about the lack of information and statistics on domestic violence, and that such violence may still be considered a private matter. It is also concerned that the implementation of aspects of the law on domestic violence, including those relating to the provision of shelters and rehabilitation centres for victims, has been postponed. The Committee notes that marital rape has not been included in any proposals for new legislation.

77. **The Committee urges the State party to place high priority on the implementation of the Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence and to make it widely known to public officials and society at large, and also to complete and implement promptly the national action plan to combat domestic violence, which is under preparation. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters and legal aid. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions, and are sensitized to all forms of violence against women and adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of domestic violence to serve as the basis for comprehensive and targeted intervention and to include the results of such research in its next periodic report. The Committee recommends that the State party enhance its action**

beyond domestic violence to all forms of violence against women, in the light of the Committee's general recommendation 19. The Committee also recommends that consideration be given to addressing the problem of marital rape.

78. While noting the legislative and other measures taken to combat human trafficking, including the Law on Combating Human Trafficking and the National Action Plan against Human Trafficking, the Committee remains concerned about the persistence of trafficking in women and girls in Georgia.

79. **The Committee calls upon the State party to ensure that legislation on trafficking is fully enforced and that the national action plan and other measures to combat human trafficking are fully implemented. The Committee urges the State party to consider ratifying the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which it signed in 2000. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and take measures for the rehabilitation and social integration of women and girls who are victims of trafficking.**

80. The Committee is concerned about the continuing underrepresentation of women in public and political life and in decision-making positions, including in diplomacy, the executive bodies of the Government and local government, as well as in Parliament.

81. **The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 and 23, to accelerate women's full and equal participation in elected and appointed bodies, including at the international level. Such measures should include the establishment of benchmarks, numerical goals and timetables, as well as conducting training programmes on leadership and negotiation skills for current and future women leaders. It further urges the State party to undertake awareness-raising campaigns about the importance of women's participation in public and political life and at decision-making levels.**

82. The Committee expresses concern that insufficient information was provided about women's de facto situation in the formal and informal labour markets. The Committee continues to be concerned about the occupational segregation between women and men in the labour market and the gap in their wages. The Committee is concerned about the negative impact on women of the new labour code, which liberalizes the regulation of employment in Georgia and does not include provisions on equal pay for work of equal value and against sexual harassment in the workplace.

83. **The Committee calls upon the State party to provide in its next report detailed information, including statistical data indicating trends over time, about the situation of women in the fields of employment and work in the**

public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women. The Committee urges the State party to intensify its efforts to ensure that all job creation programmes are gender-sensitive and to increase women's access to new technology. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increases in sectors dominated by women. The Committee urges the State party again to introduce provisions on equal pay for work of equal value as well as to introduce provisions on sexual harassment, in accordance with the Committee's general recommendation 19. The Committee requests the State party to analyse the impact on women of the new labour code and make necessary amendments, and include in its next report information on such analysis and the action taken.

84. While acknowledging the difficulties encountered in the ongoing transition of the country to a market-based economy, the Committee is concerned about the feminization of poverty, particularly among rural women, elderly women, women-headed households and internally displaced women and girls. The Committee is concerned that the State party lacks targeted programmes to address the needs of such vulnerable groups of women.

85. **The Committee requests the State party to assess the impact of economic restructuring on women and mobilize adequate resources for that purpose. It requests the State party to ensure that all poverty alleviation programmes and strategies are gender-sensitive and take into account the needs of particularly vulnerable groups, including rural women, elderly women, women-headed households and internally displaced women and girls. The Committee urges the State party to increase women's access to bank loans and other forms of financial credit, in accordance with article 13 of the Convention. The Committee requests the State party to include in its next periodic report information on the measures taken to improve the economic situation of women, particularly those belonging to vulnerable groups.**

86. The Committee is concerned about the lack of information and data on women's health, including women's reproductive health, morbidity and mortality rates of women and their causes, and diseases that most affect women and girls, as well as a lack of information on women's access to health-care services. The Committee is concerned that the abortion rate remains high. It is also concerned that the State party lacks a comprehensive approach to eliminating discrimination against women in the area of health.

87. **The Committee recommends that a broad framework for health services in line with the Committee's general recommendation 24 on article 12, on women and health, be put in place, that adequate resources be mobilized for that purpose and that access to those services by women be monitored. The Committee requests the State party to include in its next report further information on women's health, including the rates and causes of morbidity and mortality of women, contraceptive prevalence rates, abortion rates and diseases affecting women and girls, including cancer, as well as information on women's access to health-care services, including family planning and services directed towards cancer prevention.**

88. The Committee is concerned about the lack of information on the situation of rural women and ethnic minority women in the areas covered by the Convention.

89. **The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of rural women and ethnic minority women in all areas covered by the Convention. The Committee also requests the State party to include in its next report information on marriages in Georgia involving girls under 18, and on the prevalence of the abduction of women for purposes of marriage, particularly among ethnic minority women.**

90. **The Committee urges the State party to utilize fully, in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

91. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.**

92. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Georgia to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

93. **The Committee requests the wide dissemination in Georgia of the present concluding comments in order to make the people of Georgia, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

94. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in November 2007, and its fifth periodic report, which is due in November 2011, in a combined report in 2011.**

Republic of Moldova

95. The Committee considered the combined second and third periodic report of the Republic of Moldova (CEDAW/C/MDA/2-3) at its 749th and 750th meetings, on 16 August 2006 (see CEDAW/C/SR.749 and 750). The Committee's list of issues

and questions is contained in CEDAW/C/MDA/Q/3, and the responses of the Republic of Moldova are contained in CEDAW/C/MDA/Q/3/Add.1.

Introduction

96. The Committee expresses its appreciation to the State party for its combined second and third periodic report, which followed the Committee's guidelines for the preparation of reports, while regretting that the State party provided insufficient statistical data disaggregated by sex. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group.

97. The Committee expresses its appreciation to the State party for the constructive dialogue with its delegation, headed by the Chief of the Department for Social Protection in the Ministry of Health and Social Protection, and for the efforts made by the delegation to respond to the questions raised orally by the Committee.

98. The Committee commends the State party for acceding, in February 2006, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

99. The Committee notes that the transition from a centrally planned to a free market economy resulted in significant economic and social difficulties, the effects of which have placed a heavy burden on women.

Positive aspects

100. The Committee commends the State party for the legislative reform undertaken in support of the goal of gender equality, in particular for the enactment of the Law on Equal Opportunities for Men and Women and the Law on Preventing and Combating Trafficking in Human Beings; for the amendments to the Penal Code of 2002, the Labour Code of 2003 and the Civil Code of 2002; and for the ongoing debate on the draft law on preventing and combating domestic violence.

101. The Committee also commends the State party for adopting a range of national plans and programmes and establishing institutional monitoring mechanisms, which are relevant for the advancement of women and the promotion of their rights in various fields, including the national plan for promoting gender equality for the periods 2003-2005 and 2006-2009; the national plan for preventing and combating human trafficking, adopted in 2001 and amended in 2005; and the national system for protection and social assistance for victims of trafficking, launched in March 2006; the strategy for employment of the labour force; the national programme for assistance in reproductive health care and family planning, for the period 1999-2003; Governmental Decision No. 288 of March 2005 on the Millennium Development Goals (2005-2015); and the strategy for assistance to small and medium enterprise development for the period 2006-2008.

102. The Committee welcomes the State party's continued collaboration with women's non-governmental organizations in the elaboration of laws, plans and other activities aimed at eliminating discrimination against women and promoting gender equality.

Principal areas of concern and recommendations

103. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to parliament so as to ensure their full implementation.**

104. The Committee is concerned that the State party lacks a comprehensive approach to policies and programmes aimed at implementation of the Convention and achieving women's equality with men, and stresses the need to address both direct and indirect discrimination against women.

105. **The Committee recommends that the State party ensure a comprehensive approach to the implementation of the Convention encompassing all policies and programmes aimed at achieving formal and substantive equality between women and men. The Committee recommends that the use of the gender mainstreaming strategy be introduced in all public institutions, policies and programmes, supported by gender training and an adequate number of focal points at both national and local levels.**

106. The Committee is concerned that the frequent modification of institutional structures and staff of the national machinery for the advancement of women hinders its effectiveness in the promotion of gender equality and the advancement of women. It is also concerned that the national machinery for the advancement of women continues to suffer from a lack of authority and adequate human and financial resources. The Committee is further concerned at the removal of gender focal points from the local administration.

107. **The Committee recommends that the State party expeditiously strengthen the national machinery for the advancement of women by enhancing its visibility, decision-making power and human and financial resources so that it can effectively implement its mandate, become more effective at the national and local levels and enhance coordination among all relevant mechanisms and entities at the national and local levels. The Committee urges the State party to reinstate gender focal points in the local administration.**

108. While welcoming the inclusion in the Law on Equal Opportunities for Men and Women of the concepts of gender mainstreaming, direct and indirect gender-based discrimination, affirmative action, gender equality and sexual harassment, as mentioned by the delegation, the Committee expresses concern that the Law lacks implementation mechanisms and does not provide for legal remedies in case of violations. It is also concerned that the State party has not allocated adequate financial resources for its implementation.

109. **The Committee encourages the State party to ensure full implementation of the Law on Equal Opportunities for Men and Women, monitor results and ensure that sanctions are put in place in case of violations. It further recommends that the State party effectively implement temporary special measures in accordance with article 4, paragraph 1, of the Convention and with**

the Committee's general recommendation 25, in order to accelerate the realization of women's substantive equality with men in all areas, in particular with regard to women's participation in decision-making and access to employment and education.

110. The Committee is concerned that there is insufficient awareness of the Convention, its Optional Protocol and the procedures for their monitoring and use, and of women's human rights in general, including among the judiciary, law enforcement personnel and women themselves, as indicated by the absence of any court decisions that referred to the Convention.

111. **The Committee urges the State party to introduce education and training programmes on the Convention and its Optional Protocol, in particular for parliamentarians, the judiciary, the legal professions, the police and other law enforcement personnel. It recommends that awareness-raising campaigns targeted at women be undertaken to enhance women's awareness of their human rights and to ensure that women can avail themselves of procedures and remedies for violations of their rights.**

112. The Committee continues to be deeply concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society in the Republic of Moldova, which adversely affect women's situation particularly in the labour market and in respect of their participation in political and public life.

113. **The Committee urges the State party to disseminate information on the content of the Convention through its educational system by mainstreaming a gender perspective into textbooks and curricula at all levels and by ensuring gender training for teachers, with a view to changing existing stereotypical views and attitudes regarding women's and men's roles in the family and society. It also recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.**

114. The Committee is concerned about the impact of economic restructuring on women and the increased feminization of poverty, particularly among vulnerable groups of women such as rural women, single women heads of households, women belonging to ethnic groups, in particular Roma women, disabled women and elderly women. It regrets that the Development Objectives of the Republic of Moldova, whose main objective in relation to the first of the eight Millennium Development Goals is the eradication of extreme poverty and starvation, failed to include any gender perspectives.

115. **The Committee requests the State party to study the impact of economic restructuring on women and to ensure that all poverty alleviation strategies and programmes are multidimensional as well as gender-sensitive and targeted at particular groups of women according to their specific needs and the multiple discrimination they face, and to provide in its next periodic report information on the measures taken and results achieved in improving the economic situation of women, particularly those belonging to vulnerable groups such as rural women, single women heads of households, women belonging to ethnic groups, in particular Roma women, disabled women and elderly women.**

116. The Committee continues to be concerned about the prevalence of violence, including domestic violence, against women in the Republic of Moldova. It is concerned about the lack of availability of updated sex-disaggregated data on all forms of violence against women. While noting with appreciation that a draft law on preventing and combating domestic violence has been elaborated, the Committee is worried that the draft may not address adequately prosecution and punishment of perpetrators. The Committee is also concerned that domestic violence, including marital rape, is still considered a private matter.

117. **The Committee, reiterating its recommendation made on the occasion of the consideration of the State party's initial report, urges the State party to give high priority to implementing comprehensive measures to address violence against women in the family and in society in accordance with its general recommendation 19. The Committee calls upon the State party to speedily adopt the draft law on preventing and combating domestic violence and to ensure that violence against women is prosecuted and punished with seriousness and speed. The Committee calls upon the State party to ensure that all women who are victims of domestic violence have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters and legal aid. It calls upon the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions and are sensitized to all forms of violence against women and adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention, and to include the results of such research in its next periodic report.**

118. While commending the efforts undertaken to combat trafficking, including through the adoption of the law and national plan on preventing and combating trafficking in human beings, the establishment of the National Committee for combating human trafficking and the revision of the Criminal Code, the Committee expresses concern about the increasing trend of illegal trafficking in young women and girls for sexual purposes in the Republic of Moldova, which remains mainly a country of origin. The Committee is further concerned about the lack of enforcement of the legislation and the insufficient measures to prosecute traffickers and provide protection and assistance for victims.

119. **The Committee calls on the State party to intensify its efforts to combat the trafficking and sexual exploitation of women and girls by addressing the root causes, in particular women's economic insecurity. It recommends that the State party enhance measures aimed at improving the social and economic situation of women, in particular in rural areas, so as to eliminate their vulnerability to traffickers, and put in place services for the rehabilitation and reintegration of victims of trafficking. It urges the State party to ensure that the national plan is adequately funded, that the responsibility for its implementation does not rely heavily on non-governmental organizations, and that those who traffic and sexually exploit women and girls are prosecuted and punished to the full extent of the law. The Committee also encourages the State party to intensify international, regional and bilateral cooperation with countries of transit and destination for trafficked women and girls to further**

curb this phenomenon. It requests the State party to provide in its next report detailed information, including statistical data, on trends in trafficking and on court cases, prosecutions and victims assisted, as well as the results achieved in prevention.

120. While welcoming some recent progress, the Committee expresses concern about the fact that the number of women in decision-making positions in political and public life remains low, including in the parliament, the civil service and the judiciary. It is also concerned about the low representation of women in decision-making positions in the foreign service. The Committee is concerned that, despite its earlier recommendation, temporary special measures have not been used in this area.

121. **The Committee encourages the State party to implement measures to increase the number of women in decision-making positions, in particular at the local level, in parliament, in political parties and in the judiciary and the civil service, including the foreign service. It recommends that the State party establish concrete goals and timetables to accelerate women's equal participation in public and political life at all levels.**

122. **The State party should introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, on temporary special measures, and take into account the Committee's general recommendation 23, on women in political and public life. The Committee urges the State party to implement awareness-raising programmes to encourage women to participate in public life and create the social conditions for that participation, including through measures aimed at the reconciliation of responsibilities in the private and public spheres. It calls upon the State party to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country.**

123. The Committee expresses concern about the situation of women in the labour market, which is characterized, in spite of women's high level of education, by increasingly high female unemployment, the concentration of women in low-paid sectors of public employment such as health, social welfare and education, and the wage gap between women and men in both the public and private sectors. The Committee is concerned that the State party's labour legislation, which is overly protective, in particular of pregnant women, and restricts women's participation in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender-role stereotypes. The Committee is also concerned that important sectors viewed as traditionally male areas, such as defence and police, remain inaccessible to women.

124. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, on temporary special measures. The Committee urges the State party to intensify its efforts to ensure that all job generation and poverty alleviation programmes are gender-sensitive, and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men through, inter alia, additional wage increases in female-dominated sectors of**

public employment. The Committee recommends that the State party conduct regular reviews of its legislation in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers women face in the labour market. It calls upon the State party to monitor the impact of measures taken and results achieved, and to report thereon in the next periodic report.

125. The Committee expresses its concern about the health situation of women, especially women's reproductive health. While appreciating recent declines in the maternal mortality rate, it notes that this indicator is still high compared to other countries in the region, in particular for rural women. It is also concerned about the high abortion rates and the use of abortion as a means of fertility control, and especially about the situation of unsafe abortion, which increases the risk of maternal mortality. It is further concerned about the high percentage of women with anaemia and the increase in HIV/AIDS infection rates and in sexually transmitted diseases. The Committee expresses its concern about the increase of women's consumption of tobacco and narcotic drugs.

126. **The Committee recommends that increased efforts be focused on improving women's reproductive health. In particular, it calls upon the Government to improve the availability, acceptability and use of modern means of birth control to eliminate the use of abortion as a method of family planning. It encourages the State party to provide sex education systematically in schools, including vocational training schools. The Committee urges the State party to undertake appropriate measures to ensure women's access to safe abortion, in accordance with domestic legislation. It also urges the State party to target high-risk groups for strategies to prevent HIV/AIDS and the spread of sexually transmitted diseases. It encourages the State party to increase its cooperation with non-governmental organizations and international organizations in order to improve the general health situation of Moldovan women and girls. It requests that the State party provide in its next report detailed information on women's tobacco use and statistics on their alcohol, drug and other substance abuse.**

127. The Committee remains concerned that the minimum legal age for marriage is 16 years for women and 18 years for men.

128. **The Committee urges the State party to raise the minimum age of marriage for women to 18 years, in line with article 16 of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

129. The Committee regrets the limited availability of statistical data disaggregated by sex, ethnicity and age, and by urban and rural areas, which makes it more difficult to assess progress and trends over time in the actual situation of women and their enjoyment of their human rights in regard to all areas covered by the Convention. The Committee is concerned that the lack or limited availability of such detailed data may also constitute an impediment to the State party itself in designing and implementing targeted policies and programmes, and in monitoring their effectiveness in regard to the implementation of the Convention.

130. **The Committee calls upon the State party to enhance its data collection in all areas covered by the Convention so as to assess the actual situation of**

women, compared with that of men, and their enjoyment of their human rights, disaggregated by sex, ethnicity and age and by urban and rural areas as applicable, and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and action plans and to evaluate progress achieved towards the realization of women's de facto equality. It encourages the State party to use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include in its next report such statistical data and analysis.

131. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

132. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

133. **The Committee notes that States' adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of the Republic of Moldova to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

134. **The Committee requests the wide dissemination in the Republic of Moldova of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century" (resolution S-23/3, annex).**

135. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in July 2007, and its fifth periodic report, due in July 2011, in a combined report in July 2011.**

Uzbekistan

136. The Committee considered the combined second and third periodic report of Uzbekistan (CEDAW/C/UZB/2-3) at its 743rd and 744th meetings, on 10 August

2006 (see CEDAW/C/SR.743 and 744). The Committee's list of issues and questions is contained in CEDAW/C/UZB/Q/3, and Uzbekistan's responses are contained in CEDAW/C/UZB/Q/3/Add.1.

Introduction

137. The Committee expresses its appreciation to the State party for its combined second and third periodic report, while regretting that it did not fully comply with the Committee's guidelines for preparation of reports or refer to the Committee's general recommendations. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, and for the oral presentation and further clarifications in response to questions posed orally by the Committee.

138. The Committee expresses its appreciation to the State party for the constructive dialogue held between the delegation, headed by the Chairman of the National Human Rights Centre of the Republic of Uzbekistan and which included the senior expert of the Cabinet of Ministries of the Republic of Uzbekistan, and the members of the Committee. It notes that the delegation did not include any representatives of the Women's Committee of Uzbekistan which, although it has the status of a non-governmental organization, constitutes the national machinery for the advancement of women.

Positive aspects

139. The Committee welcomes the State party's initiative in establishing a National Plan of Action to implement the recommendations made by the Committee in the previous concluding comments.

140. The Committee commends the State party for reaching gender parity in primary, basic secondary and vocational education and meeting one of its national targets under goal 3 (promoting gender equality and empowering women) of the Millennium Development Goals.

141. The Committee commends the State party on the 2004 amendment to article 22 of the Election Law to institute a requirement that women make up at least 30 per cent of candidates nominated by political parties for election to Parliament; and the adoption of the new Family Code in 1998, which has strengthened a number of rights of women in the family.

142. The Committee welcomes the creation of monitoring mechanisms, including the Consultative-Analytical Council, intended, under the Ombudsman conjointly with the Women's Committee of Uzbekistan, to analyse and monitor the implementation of the Convention at the regional and local level and hold regular parliamentary hearings on the results of such monitoring.

Principal areas of concern and recommendations

143. **The Committee notes the State party's obligation for the systematic and continuing implementation of all the provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on these areas**

in its implementation activities and to report on actions taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

144. The Committee is concerned about the lack of progress in the law reform process. In particular, it expresses concern that several draft laws and amendments to laws initiated by the State party in response to the Committee's previous concluding comments still await parliamentary approval and that others have not yet been completed, thus allowing for the persistence of discriminatory provisions that deny women equal rights with men.

145. **The Committee urges the State party to place high priority on completing the necessary legislative reforms and to step up the process of adopting the law on equal rights and equal opportunities, the law on prevention of trafficking in and exploitation of persons, including the related programme of measures to prevent trafficking in and exploitation of persons, the amendments to relevant legislation to make gender-based violence a criminal offence, and the law on domestic violence, within a clear time frame. To this end, the Committee calls upon the State party to increase its efforts to sensitize the Parliament as well as public opinion regarding the importance of legal reform which, according to article 2 of the Convention, has to be undertaken without delay.**

146. While noting the State party's assertion that all provisions of the Convention have been completely incorporated into national law, the Committee is concerned that the State party could not confirm that the draft law on equal rights and equal opportunities submitted to Parliament in 2004 contains a definition of discrimination in line with article 1 of the Convention, as recommended by the Committee in its previous concluding comments.

147. **The Committee urges the State party to ensure that the law on equal rights and equal opportunities, or other appropriate national legislation, contains a definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination. It also encourages the State party to raise awareness with respect to the nature of indirect discrimination and the concept of substantive equality among Government officials, the judiciary and the public.**

148. While welcoming the fact that the Convention has been translated into the Uzbek language and disseminated through a number of women's non-governmental organizations, the Committee is concerned that the provisions of the Convention and the general recommendations of the Committee are not widely known by judges, lawyers and prosecutors, as indicated by the absence of any court decisions that referred to the Convention.

149. **The Committee recommends that the Convention and the Committee's general recommendations be made an integral part of legal education and training of judges, lawyers and prosecutors, and Government officials at all levels. It further recommends that its general recommendations be translated into the Uzbek language and widely disseminated.**

150. While appreciating the State party's efforts at strengthening the Uzbek Women's Committee, a non-governmental organization, as the national machinery for the advancement of women through a Presidential Decree and a Cabinet

Ordinance and through its membership in a standing commission which is to coordinate activities of State agencies and civic organizations, the Committee remains concerned that the institutional status of the Uzbek Women's Committee may not be sufficient to exert its influence within the Government structure.

151. **The Committee reminds the State party of its responsibility to fully ensure Government accountability for gender equality and women's enjoyment of their human rights in the implementation of the Convention. In this regard, the Committee refers to the guidance provided in its general recommendation 6 and in the Beijing Platform for Action on national machinery for the advancement of women, in particular regarding the necessary conditions for the effective functioning of such machinery. The Committee recommends that the State party expeditiously strengthen the Women's Committee with necessary resources for coordination of the implementation of the Convention and of the gender-mainstreaming strategy in all governmental policy areas.**

152. While noting the State party's emphasis on working in partnership with non-governmental organizations, the Committee is concerned that the State party's criteria with respect to foreign funding of Uzbek non-governmental organizations, and its practice of applying those criteria, have led to the closing of women's non-governmental organizations whose work had been beneficial to Uzbek women since the country's independence.

153. **The Committee requests the State party to review its funding criteria and practice relating to women's non-governmental organizations in order to ensure a plurality of constructive efforts towards the implementation of women's human rights through the civil society sector.**

154. The Committee continues to be deeply concerned about the persistence of patriarchal attitudes and deep-rooted cultural stereotypes regarding the roles and responsibilities of women and men in the family and society in Uzbekistan, as expressed in the previous concluding comments. While noting the State party's stated goals to ensure women's equal opportunities in political and public life and in the labour market, these stereotypes, including the State party's explicit recognition of women's alleged primary responsibility in rearing children, providing care to family members and providing moral advice in the community, present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas. In addition, the Committee is concerned that educational programmes developed under the National Plan of Action for the elimination of patriarchal attitudes within the family are targeted only at women and girls, and not at men and boys.

155. **The Committee urges the State party to address directly stereotypical attitudes about the roles and responsibilities of women and men, including the hidden cultural patterns and norms that perpetuate direct and indirect discrimination against women and girls in all areas of their lives. Such measures should include awareness-raising and educational campaigns addressing women and girls, but in particular men and boys, and community, spiritual and religious leaders, with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee recommends that the State party closely monitor its efforts to promote change concerning the**

stereotypical expectations of women's roles and the equal sharing of domestic and family responsibilities between women and men.

156. While noting the creation of 25 crisis centres supported by the State to assist women victims of domestic violence, the Committee continues to be concerned about the prevalence of violence against women, the absence of a specific law protecting women and the lack of prosecution and punishment of perpetrators of domestic violence. The Committee also expresses concern about the lack of information and statistics provided on the incidence of various forms of violence against women.

157. **On the basis of the Convention and in accordance with its general recommendation 19, the Committee urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls. Such measures should include the speedy adoption of a framework act on all forms of violence against women, covering also domestic violence and marital rape, so as to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. It urges the State party to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention. The Committee repeats its recommendation that the State party implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health-care providers, social workers, community leaders and the general public, so as to ensure that they understand that all forms of violence against women are unacceptable. It also recommends the establishment of a sufficient number of crisis centres, including shelters for victims of violence in both urban and rural areas. The Committee also requests the State party to provide detailed information about services provided to victims of violence, including services provided at the crisis centres and centres of social adaptation, which should include details about women's access to such services and their scope and effectiveness.**

158. While appreciating that the State party's amendment to the election law in 2004 requiring political parties to nominate at least 30 per cent female candidates for Parliament has resulted in an increase in the representation of women in Parliament from 8 to 17.5 per cent, the Committee is concerned about the continuing underrepresentation of women in political and public life and in decision-making positions at all levels. The Committee also notes that the State party did not provide information about the number of women in the Foreign Service.

159. **The Committee encourages the State party to take sustained measures, including additional temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women, in elected and appointed bodies in all areas of public life and at all levels, and to monitor their achievement. It recommends that the State party conduct training programmes on leadership skills for current and future women leaders. It further urges the State party to undertake awareness-raising about the importance of women's**

participation in decision-making processes at all levels of society. The Committee also invites the State party to provide information about the number and ranking of women in foreign service in its next periodic report.

160. While welcoming the legislative and policy measures currently under consideration to combat human trafficking, the Committee remains concerned about the persistence of trafficking and exploitation of women and girls. The Committee is further concerned that victims of trafficking are being treated as criminals and are being punished for engaging in prostitution.

161. **The Committee urges the State party to fully implement article 6 of the Convention and to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which it signed in 2001. It also urges the State party to intensify its efforts to combat all forms of trafficking in women and girls, including by speedily enacting specific and comprehensive national legislation on the phenomenon that ensures that offenders are punished and victims adequately assisted. The Committee further calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and to take measures for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. The Committee further calls on the State party to take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the male demand for prostitution.**

162. While noting the State party's efforts at creating new employment opportunities for women through the creation of new jobs, including "in-house" jobs with social security and entrepreneurships based on microcredits, as well as wage increases in female-dominated employment sectors such as education and health, the Committee is concerned at the persistence of a sex-segregated labour market with lower wages for women.

163. **The Committee recommends that the State party provide, in its next report, information on women in the informal labour market and its efforts to modify the sex-segregation of the formal labour market, including efforts to eliminate wage differences. The Committee encourages the State party to study efforts in other countries with respect to the re-evaluation of jobs in which men or women predominate in order to discover whether hidden stereotypes influence the setting of wages.**

164. The Committee is concerned that the report did not provide sufficient information about the situation of rural women in the areas covered by the Convention. It is particularly concerned at the low percentage of women's land ownership.

165. **The Committee urges the State party to include in its next report comprehensive data on the situation of rural women in all areas covered by the Convention, including the causes for the low percentage of women, as compared to men, who own land, and on efforts by the State party to increase this percentage.**

166. The Committee is concerned at the different marriage age of boys and girls and at the possibility of a dispensation of one year for girls only. The Committee is further concerned that the formulation of provisions in the Penal Code prohibiting polygamy in the form of cohabitation in the same home may be interpreted as being permissive of polygamy when not being practised in the same home.

167. **The Committee recommends the speedy review and amendment of the relevant laws.**

168. **The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

169. **The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to continue to consult with non-governmental organizations during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.**

170. **The Committee urges the State party to utilize fully, in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

171. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

172. **The Committee notes that States' adherence to the seven major international human rights instruments**[1] **enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Uzbekistan to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

173. **The Committee requests the wide dissemination in Uzbekistan of the present concluding comments in order to make the people of Uzbekistan, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, the Optional Protocol thereto, the Committee's general**

recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

174. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in August 2008.**

3. Third periodic report

Czech Republic

175. The Committee considered the third periodic report of the Czech Republic (CEDAW/C/CZE/3) at its 751st and 752nd meetings, on 17 August 2006 (see CEDAW/C/SR.751 and 752). The Committee's list of issues and questions is contained in CEDAW/C/CZE/Q/3, and the responses of the Czech Republic are contained in CEDAW/C/CZE/Q/3/Add.1.

Introduction

176. The Committee expresses its appreciation to the State party for the third periodic report which followed the Committee's guidelines, and referred to its previous concluding comments. It also expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarification in response to the questions posed orally by the Committee.

177. The Committee commends the State party for its delegation headed by the Deputy Chairman of the Government Council for Equal Opportunities of Women and Men and Deputy Minister of Labour and Social Affairs, and which included women and men representing different ministries and Government offices. The Committee expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

178. The Committee commends the State party for the adoption of its national action plan entitled "Priorities and procedures of the Government in promoting equality of women and men" which has been drawn up in accordance with the Beijing Platform for Action and the Committee's concluding comments issued on the occasion of the consideration of the State party's initial report, and which has been updated on an annual basis since 1998.

179. The Committee commends the State party on a number of recent laws aimed at eliminating discrimination against women and promoting gender equality and at achieving compliance with the State party's obligations under the Convention. In particular, it welcomes the Education Act of 2004; the Act on Labour Inspection of 2005; the adoption of the new Labour Code in 2006, which prohibits direct and indirect discrimination; and Act No. 135/2006 Coll. amending current laws in the area of protection against domestic violence which will enter into force on 1 January 2007.

Principal areas of concern and recommendations

180. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all ministries and to Parliament so as to ensure their full implementation.**

181. While noting that the State party's efforts to promote gender equality appear to be oriented primarily towards the framework of the European Union provisions, the Committee is concerned that the Convention has not been given the central position as a legally binding human rights instrument and the basis for the elimination of all forms of discrimination against women in all fields covered by the Convention. It also notes that while the Convention takes precedence over national law, the provisions of the Convention have never been invoked before national courts.

182. **The Committee calls on the State party to base its efforts to eliminate discrimination against women on the wider scope of the Convention as a legally binding human rights instrument. It encourages the State party to ensure that the Convention and its Optional Protocol and the Committee's General Recommendations are made an integral part of legal education and training of judges, lawyers and prosecutors. It also requests the State party to raise awareness among women of their rights under the Convention and the communications and inquiry procedures provided by its Optional Protocol.**

183. While the Committee notes the adoption or amendments of laws, such as the criminal law and the labour law, which prohibits direct and indirect discrimination on the basis of sex, it remains concerned that there is no general anti-discrimination law that contains a definition of discrimination against women in line with article 1 of the Convention. It is also concerned that the adoption of a number of laws that are critical to ensure women's full enjoyment of their human rights is still pending, including the anti-discrimination law, the electoral code and laws in the area of health care.

184. **The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention be included in the appropriate domestic legislation, such as in the new anti-discrimination law. It also calls on the State party to put in place procedures for the effective implementation, monitoring and enforcement of such a law. It also strongly encourages the State party to take prompt action on pending laws, particularly in the area of health care and the electoral code, so as to ensure that a comprehensive legal framework in full compliance with the Convention is in place in the State party.**

185. The Committee notes that its previous recommendation on strengthening the national machinery has not been sufficiently addressed by the State party and that the current institutional structure of its national machinery in the form of the Gender Equality Unit in the Ministry of Labour and Social Affairs, gender focal points within ministries, the Government Council for Equal Opportunities of Women and Men and the Government Council for Human Rights do not have sufficient decision-

making power, visibility and human and financial resources to effectively coordinate all efforts to accelerate implementation of the Convention and promotion of gender equality in all sectors at the national, regional and local levels.

186. **The Committee reiterates its recommendations that the State party strengthen the institutional structure of the existing national machinery in order to make it more effective by providing it with decision-making power, visibility, human and financial resources so that it can effectively implement its mandate and monitor progress towards reaching the goal of gender equality across all ministries and Government agencies. It encourages the State party to ensure that gender focal points within each ministry are composed of senior level staff with direct access to decision makers. The Committee also reiterates its recommendation that the State party establish regional and local gender equality machinery and to ensure effective coordination among all relevant mechanisms and entities on gender equality at the national, regional and local levels. The Committee encourages the State party to continue to raise awareness and build capacity of Government officials and staff at the national, regional and municipal levels on gender equality on an ongoing basis.**

187. While noting that the State party has undertaken public information campaigns in the areas of gender stereotypes and domestic violence, the Committee remains concerned about the persistence of deep-rooted, traditional stereotypes regarding the roles and responsibilities of women and men in the family and in society at large, and which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life.

188. **The Committee urges the State party to strengthen its efforts at overcoming persistent and deep-rooted stereotypes that are discriminatory of women. It encourages the State party to enhance cooperation with civil society, political parties, the private sector and the media with the aim of disseminating targeted information to specific audiences, such as decision makers, education professionals, youth, and marginalized groups, on the principles of non-discrimination and gender equality as laid out in the Convention. Such awareness-raising efforts should use a variety of media, including radio, TV, electronic and print. It also encourages the State party to integrate gender equality issues systematically in all other information campaigns. It recommends that awareness-raising campaigns be targeted at women and men, girls and boys on a variety of themes, including the participation of women in all employment settings and in public life; on balance of work and family responsibilities for both women and men; and on zero-tolerance of all forms of violence against women.**

189. While welcoming the adoption of an amendment to the Criminal Code that penalizes domestic violence and the law amending certain laws in the area of protection against domestic violence (Act No. 135/2006 Coll.) that will enter into force on 1 January 2007, and that provides for restraining orders and intervention centres, the Committee is concerned about the low number of convictions and of sentences for perpetrators of violence against women, as well as the current definition of rape.

190. **The Committee calls upon the State party to ensure full implementation and close monitoring of the effectiveness of Act No. 135/2006 Coll. amending current laws in the area of protection against domestic violence, including of**

the new intervention centres foreseen in that Act so as to ensure that all women victims of violence, including those living in rural areas and particularly Roma women, have access to immediate means of redress and protection. The Committee calls upon the State party to provide adequate funding for the new intervention centres as well as for shelters and other support services for victims of violence, such as 24-hour hotlines run by the Government and non-governmental organizations. The Committee also recommends that the State party provide ongoing training and capacity-building for all those working with victims of violence, including police officers, judges and prosecutors, medical professionals and social workers nationwide, including in rural areas. The Committee also calls on the State party to ensure that the criminal definition of rape penalizes any sexual act committed against a non-consenting person, including in the absence of resistance.

191. While the Committee commends the State party for having adopted a National Strategy against Trafficking in Human Beings following the Committee's recommendation in its previous concluding comments, the Committee remains concerned about the persistence of trafficking in women and girls and the exploitation of prostitution. The Committee is concerned that the State party has not yet ratified the Convention against Transnational Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

192. **The Committee recommends that the State party increase its efforts to prevent human trafficking, including by taking appropriate measures to suppress the exploitation of prostitution in the country, and to provide updated information on measures taken in its next periodic report. It also encourages the State party to adopt the Convention against Transnational Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in order to accelerate progress both in preventing and combating trafficking in women and children.**

193. The Committee reiterates its concern about the continuing underrepresentation of women in Parliament and Government, including in standing and ad hoc committees, at the international level, and in the private sector. The Committee is also concerned about an apparent reluctance within Government ministries to apply temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures. It is also concerned about the suspension of the adoption of the draft election bill that envisaged at least 30 per cent representation of either sex.

194. **The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 and to establish concrete goals and timetables so as to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life, including in the foreign service, at all levels, and to monitor their achievement. It further encourages the State party to proceed with the finalization and adoption of the new election bill that envisages adequate temporary special measures. It also recommends further efforts to increase the number of women in appointed positions, in decision-making positions in public administration, and in the private sector. Such measures should include the setting of time-bound targets; implementation of awareness-raising**

campaigns; provision of financial incentives to political parties; and development of targeted training and mentoring programmes for women candidates and women elected to public office. The Committee urges the State party to carefully monitor the effectiveness of measures taken and of results achieved in its next periodic report.

195. The Committee is concerned that Roma women and girls remain in vulnerable and marginalized situations, especially in regards to health, education, employment and participation in public life and decision-making. The Committee also regrets the insufficient data provided on the situation of Roma women and girls in these areas, as requested by the Committee in its previous concluding comments.

196. **The Committee recommends the State party to take effective measures to eliminate the multiple forms of discrimination against Roma women and girls and to enhance respect for their human rights through effective measures, including temporary special measures in accordance with article 4, paragraph 1 of the Convention and general recommendation 25 of the Committee. It also calls on the State party to accelerate achievement of Roma women's de facto equality by strengthening the coordination among all agencies working on Roma, non-discrimination and gender equality issues, particularly in the areas of health, education, employment and participation in public life. It urges the State party to implement targeted measures to eliminate discrimination against Roma women in all areas within specific timetables, to monitor their implementation and achievement of stated goals, including within the Decade of Roma Inclusion 2005-2015, and to take corrective action whenever necessary. It calls upon the State party to provide in its next periodic report a comprehensive picture of the situation of Roma women and girls, including data disaggregated by sex in regard to their educational opportunities and achievements, access to employment and health-care services and participation in public life and decision-making.**

197. The Committee is particularly concerned about the report, of December 2005, by the Ombudsman (Public Defender) regarding uninformed and involuntary sterilization of Roma women and the lack of urgent Government action to implement the recommendations contained in the Ombudsman's report and to adopt legislative changes on informed consent to sterilization as well as to provide justice for victims of such acts undertaken without consent.

198. **The Committee urges the State party to take urgent action to implement the recommendations of the Ombudsman/Public Defender with regard to involuntary or coercive sterilization, and adopt without delay legislative changes with regard to sterilization, including a clear definition of informed, free and qualified consent in cases of sterilization in line with the Committee's general recommendation 24 and article 5 of the European Convention on Human Rights and Biomedicine; provide ongoing and mandatory training of medical professionals and social workers on patients' rights; and elaborate measures of compensation to victims of involuntary or coercive sterilization. It also calls on the State party to provide redress to Roma women victims of involuntary or coercive sterilization and prevent further involuntary or coercive sterilizations. The Committee requests the State party to report on the situation of Roma women pertaining to the issue of coercive or involuntary**

sterilization, in its next periodic report, including a detailed assessment of the impact of measures taken and results achieved.

199. While welcoming the provisions in the Employment Act, the Labour Code and the Act on Labour Inspection which prohibit direct and indirect discrimination and sexual harassment, and provide for parental leave, the Committee remains concerned about the consistent wage gap between women and men and the concentration of women in certain employment sectors as well as the low representation of women in managerial and decision-making positions.

200. **The Committee requests the State party to closely monitor the effective implementation of the new legal framework in the Employment Act and Labour Code and to ensure compliance with the anti-discrimination provisions, including their systematic monitoring by labour inspectors, and the collection of data on complaints filed. It encourages the State party to raise awareness about these provisions through public information campaigns. The Committee also recommends that the State party take measures to ensure that the private sector fully abides by the anti-discrimination provisions in these laws. The Committee further requests the State party to assess the wage gap between women and men by comparing "male-dominated" and "female-dominated" sectors and to take remedial steps. The Committee also urges the State party to monitor the use of the new parental leave provisions by women and men as an indicator of shared family responsibilities and to develop incentives to encourage more men to avail themselves of parental leave.**

201. The Committee is concerned that women living in rural areas may not benefit fully and equally from the State party's legislative and policy framework for the promotion of gender equality. The Committee is also concerned about the absence of development programmes for rural women to support them in obtaining the skills and resources necessary to become competitive in the labour market.

202. **The Committee urges the State party to give full attention to the needs of rural women and ensure that all policies and programmes aimed at promoting gender equality, including those in regard to health, education, employment and elimination of violence against women, reach the rural areas and are fully implemented at county level. The Committee recommends to the State party to undertake a comprehensive assessment of the situation of rural women and implementation of article 14 of the Convention and to present its findings, including data, in the next periodic report.**

203. The Committee regrets the limited availability of statistical data disaggregated by sex and age as well as by ethnicity, and by urban and rural areas, which makes it more difficult for the Committee to assess progress and trends over time in the actual situation of women and their enjoyment of their human rights in regard to all areas covered by the Convention.

204. **The Committee calls upon the State party to enhance its data collection and analysis of such data in all areas covered by the Convention so as to assess more accurately the actual situation of women and their enjoyment of their human rights, disaggregated by sex, ethnicity, age, by urban and rural areas as applicable, and to track trends over time, and to design and implement better targeted policies and programmes aimed at promotion of gender equality. It also calls upon the State party to monitor, through measurable indicators, the**

impact of laws, policies and action plans and evaluate progress achieved towards realization of women's de facto equality. The Committee requests the State party to include in its next report such statistical data and analysis.

205. **The Committee encourages the State party to translate into the Czech language the Committee's general recommendations and to distribute them widely together with the text of the Convention and its Optional Protocol.**

206. **The Committee calls upon the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

207. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

208. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

209. **The Committee notes that States' adherence to the seven major international human rights instruments**[1] **enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of the Czech Republic to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

210. **The Committee requests the wide dissemination in the Czech Republic of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

211. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which was due in March 2005, and its fifth periodic report, due in 2009, in a combined report in March 2009.**

4. Combined third, fourth and fifth periodic report

Ghana

212. The Committee considered the combined third, fourth and fifth periodic report of Ghana (CEDAW/C/GHA/3-5) at its 741st and 742nd meetings, on 9 August 2006 (see CEDAW/C/SR.741 and 742). The Committee's list of issues and questions is contained in CEDAW/C/GHA/Q/5 and the responses of Ghana are contained in CEDAW/C/GHA/Q/5/Add.1.

Introduction

213. The Committee commends the State party for its combined third, fourth and fifth periodic report which followed the Committee's guidelines for the preparation of reports, but which was, however, overdue and lacked reference to the Committee's general recommendations. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by its pre-session working group and for the oral presentation which provided additional information on the implementation of the Convention.

214. The Committee commends the State party for its high-level delegation, headed by the Minister for Women and Children's Affairs, and composed of representatives of different departments with expertise in a broad range of areas covered by the Convention. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

215. The Committee notes with appreciation that the report was prepared in a participatory process involving government bodies and non-governmental organizations.

216. The Committee notes with satisfaction that the report includes reference to the implementation of the Beijing Platform for Action and efforts undertaken to achieve the Millennium Development Goals.

Positive aspects

217. The Committee congratulates the State party for the achievements in implementing the Convention, including the establishment, in 2001, of the Ministry of Women and Children's Affairs, headed by a Cabinet Minister. The Committee notes with appreciation the establishment of the Girl Child Education Directorate in the Ministry of Education, and of the Maternal and Public Health Units in the Ghana Health Service. It also welcomes the setting up of gender focal points and gender desk officers in all ministries, departments and agencies and in all 138 district assemblies.

218. The Committee notes with satisfaction the adoption of the Ghana Labour Act 2003, which provides for paid holidays, sick leave and maternity leave in all employment sectors.

219. The Committee appreciates the adoption, in 1998, of the Affirmative Action Policy, setting up a 40 per cent quota for women's representation on all government and public boards, commissions, councils, committees and official bodies, including the Cabinet and the Council of State.

220. The Committee commends the State party for creating, in 2002, the Women's Development Fund to improve women's access to microcredit facilities. It also congratulates the State party for setting up the Women in Local Governance Fund for Women's Participation in Local Government (District Assembly), aimed at enhancing women's participation in the district-level elections to be held in September 2006.

221. The Committee appreciates the inclusion of gender perspectives in Ghana's Poverty Reduction Strategy, as well as the adoption of the Reproductive Health Policy and the Strategic Plan for Abortion Care.

222. The Committee commends the State party for the establishment of the Domestic Violence Victim Support Unit within the Police Service to better address the issue of domestic violence.

Principal areas of concern and recommendations

223. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

224. The Committee is concerned that the definition of discrimination against women contained in article 17 (2) of the Constitution is not in conformity with the definition contained in article 1 of the Convention, which encompasses the prohibition of direct and indirect discrimination. It is also concerned that the existing legislative framework is inadequate to ensure compliance with all the provisions of the Convention.

225. **The Committee requests the State party to include in its Constitution, or in its gender equality law, which is currently being drafted, a definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination. It also urges the State party to adopt appropriate legislation for the implementation of each of the provisions of the Convention. The Committee also calls on the State party to ensure that the provisions of the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors.**

226. The Committee is concerned that, although women's access to justice is provided for by the law, women's ability in practice to exercise this right and to bring cases of discrimination before the courts is limited by factors such as limited information on their rights, lack of assistance in pursuing these rights, and legal costs.

227. **The Committee requests the State party to remove impediments women may face in gaining access to justice. It further urges the State party to take special measures, in collaboration with the Commission on Human Rights and**

Administrative Justice, to enhance women's awareness of their rights and legal literacy to claim their rights.

228. The Committee is concerned about the insufficient financial and human resources of the Ministry of Women and Children's Affairs, and of the Women's Desks (gender focal points) in the Government's ministries, departments and agencies. It is also concerned that as a result of inadequate resources and incapacity to assert its authority, the existing institutional mechanism is unable to effectively coordinate the Government's work to promote gender equality and full implementation of the Convention.

229. **The Committee calls on the State party to strengthen the national machinery for the advancement of women by providing it with the human and financial resources that are necessary to work effectively for the promotion of gender equality and enjoyment of women's rights. In particular, it urges the State party to enhance the exercise of authority and capacity of the national machinery to effectively coordinate the Government's work to promote gender equality and full implementation of the Convention, across all sectors and levels, and to effectively monitor and evaluate progress in this regard.**

230. While welcoming the adoption, in 1998, of the Affirmative Action Policy, the Committee is concerned about its poor implementation and the fact that women continue to remain underrepresented in decision-making positions in political and public life.

231. **The Committee recommends that the State party review the Affirmative Action Policy and bring it in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 on temporary special measures. The Committee recommends that the Affirmative Action Policy be targeted to benefit different groups of women, including the most vulnerable groups. It also calls on the State party to include in its gender equality law, currently being drafted, a provision on temporary special measures which could include incentives and other compliance mechanisms, so as to enhance women's participation in decision-making positions in political and public life and other areas.**

232. The Committee is concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes and the persistence of deep-rooted cultural norms, customs and traditions, including widowhood rites, female genital mutilation, and "Trokosi" (ritual slavery), which discriminates against women and constitute serious obstacles to women's enjoyment of their human rights. The Committee is also concerned about the persistence of the belief in witchcraft in some parts of the country, in particular in rural areas, and the fact that women accused of being witches are subjected to violence and are confined in witch camps.

233. **The Committee urges the State party to introduce, without delay and in conformity with articles 2 (f) and 5 (a) of the Convention, concrete measures to modify and eliminate customs and cultural and harmful traditional practices that discriminate against women, so as to promote women's full enjoyment of their human rights. In particular, the Committee urges the State party to eliminate such practices as widowhood rites, female genital mutilation, "Trokosi" (ritual slavery), and confining women believed to be witches in witch camps. It invites the State party to implement existing legislation prohibiting**

such practices and adopt new legislation, as necessary, to eliminate these harmful traditional practices. It also invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, including traditional leaders, with a view to changing discriminatory social and cultural patterns of conduct and to creating an enabling and supportive environment for women to exercise their human rights. The Committee encourages the State party to implement these necessary efforts in collaboration with civil society organizations, women's organizations and community leaders. It further calls upon the State party to review periodically the measures taken to assess the impact of these efforts and take appropriate remedial measures, and to report on results to the Committee in its next report.

234. The Committee is concerned about the lack of data on the prevalence of violence against women, the lack of legislation to comprehensively address domestic violence, the apparent lack of public awareness of violence against women, and the insufficient support for victims of violence. The Committee is also concerned about insufficient measures aimed at preventing violence against women and about the fact that victims of violence have to bear the costs of medical examination when giving reports to the police.

235. **The Committee urges the State party to ensure the speedy adoption of the Domestic Violence Bill, which is currently in Parliament and expected to be passed in 2006. It also urges the State party to repeal section 42 (g) of the Criminal Code Act 29, which exempts husbands from prosecution for marital rape. The Committee calls on the State party to implement awareness-raising efforts about all forms of violence against women, including domestic violence, and the unacceptability of all such violence. It encourages the State party to put in place training measures aimed at judicial officers, including judges, lawyers, prosecutors, and police and health-care officials in order to enhance their capacity to deal with violence against women in a gender-sensitive manner. It also encourages the State party to provide economic assistance to women victims of violence who cannot afford to pay fees for medical examination. The Committee furthermore requests the State party to implement victim support measures, such as increasing the number of shelters or comparable safe places for women victims of violence, and to collect sex-disaggregated data on the incidence of violence against women.**

236. The Committee expresses concern about the discriminatory nature of article 7 (6) of the 1992 Constitution and Section 10 (7) of the Citizenship Act, 2000 (Act 591), which make it more difficult for foreign spouses of Ghanaian women to acquire Ghanaian citizenship than it is for foreign spouses of Ghanaian men to acquire citizenship.

237. **The Committee requests the State party to bring article 7 (6) of the 1992 Constitution and Section 10 (7) of the Citizenship Act, 2000 (Act 591) in line with article 9 of the Convention.**

238. While welcoming the State party's important achievements in the field of education, especially at the primary level, the Committee is concerned about the gender gap between boys and girls in secondary and tertiary education where girls constitute, respectively, 33 per cent and 22 per cent of enrolled students, as well as about the high drop-out rates of girls from schools.

239. **The Committee urges the State party to continue its efforts to raise awareness of the importance of education as a human right and as a basis for empowerment of women. It encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls' education. It recommends that the State party implement measures to ensure equal rights of girls and young women to all levels of education, to retain girls in school, and to put in place monitoring mechanisms to track girls' access to, and achievement levels in education, including the adoption of temporary special measures in accordance with article 4, paragraph 1 of the Convention and general recommendation No. 25 on temporary special measures. It requests the State party to report on the measures taken and their impact in its next periodic report.**

240. The Committee expresses concern about the discrimination faced by women in employment, as reflected in the hiring process, the wage gap and occupational segregation. The Committee is concerned that 86 per cent of working women are employed in the informal sector of the economy, and only 4 per cent of women are employed in the formal public sector and 6 per cent in the formal private sector of the economy. It is also concerned about the apparent lack of monitoring mechanisms and enforcement of existing legislation.

241. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market, in accordance with article 11 of the Convention, and the full implementation of the provisions of the Ghana Labour Act 2003 by the public and private sectors, including through effective monitoring and enforcement mechanisms. The Committee further recommends that the State party pay particular attention to the conditions of women workers in the informal sector with a view to ensuring their access to social services. It also calls on the State party to provide in its next report detailed information about the measures taken and their impact on realizing equal opportunities for women.**

242. The Committee expresses concern about the lack of access of women to adequate health-care services, including prenatal and post-natal. The Committee is concerned that women may lack access to health-care services owing to, among other reasons, cultural beliefs and limited education that inhibit women's decision-making with regard to the number of children and access to services. It is further concerned that negative attitudes of health workers may be an impediment to women's access to health-care services. The Committee is also concerned about the high rate of teenage pregnancy, which presents a significant obstacle to girls' educational opportunities and economic empowerment. The Committee is alarmed at the high maternal mortality rate, particularly the number of deaths resulting from unsafe abortions, and inadequate family planning services, especially in the rural areas, low rates of contraceptive use and lack of sex education. The Committee is also concerned about the steady increase in the number of HIV/AIDS infected women and girls.

243. **The Committee urges the State party to undertake appropriate measures to improve women's access to health care and health-related services and information, including for women who live in rural areas. It urges the State party to raise community awareness with regard to negative cultural beliefs and the importance of giving women a choice in relation to access to health-**

care services, number of children, and use of contraception, as well as ensure that health workers adopt a client-friendly attitude. It calls upon the State party to improve the availability of sexual and reproductive health services, including family planning information and services, as well as antenatal, post-natal and obstetric services to reduce maternal mortality and to set targets and benchmarks to achieve the Millennium Development Goal to reduce maternal mortality. It also recommends the adoption of measures to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children, as well as access to safe abortion in accordance with domestic legislation. It further recommends that sex education be widely promoted and targeted at adolescent girls and boys, with special attention paid to the prevention of early pregnancy and the control of sexually transmitted diseases and HIV/AIDS. It also calls on the State party to ensure that its Reproductive Health Policy addresses adolescent health, and that its National HIV/AIDS/STDs policy is effectively implemented.

244. The Committee is concerned about the widespread poverty among women, especially female headed households. The Committee is especially concerned about the situation of rural women, their lack of information and participation in decision-making processes as well as their lack of access to health, education, clean water, electricity, land and economic opportunities. The Committee is also concerned about discrimination against women on the basis of ethnicity. The Committee is further concerned about the lack of data on the de facto situation of rural women.

245. **The Committee urges the State party to pay special attention to the needs of rural women, especially heads of households. It urges the State party to ensure that the agricultural outreach programme reach out to the most vulnerable groups of women, including women of various ethnic groups, to ensure that their needs are identified and that they have access to appropriate information and decision-making. The Committee also urges the State party to ensure that rural women have access to health, education, clean water, electricity, land, and income-generating projects, and that the Women's Development Fund is made accessible to the most vulnerable women, including women of various ethnic groups. The Committee further recommends that traditional leaders be made aware that, in their mediation of conflicts in the rural areas, they must include a gender perspective and a perspective that is supportive of the various ethnic groups. The Committee recommends that the State party monitor the implementation of Ghana's Poverty Reduction Strategy to ensure that gender perspectives in the strategy are not lost in its implementation. Finally, the Committee recommends that the State party collect data on the situation of rural women, to be included in its next report.**

246. The Committee is concerned about women's unequal status in marriage and family matters owing to customary and traditional attitudes. It is particularly concerned that marriages under customary law and Mohameddan law allow polygamy, and that women are discriminated with regard to inheritance of family property. The Committee is furthermore concerned that, even though the Children's Act 1998 (Act 560) sets the minimum age of marriage at 18 years, customary practices still lead to child betrothals and child marriages.

247. **The Committee urges the State party to harmonize civil, religious and customary law with article 16 of the Convention, and to effectively implement the Children's Act 1998 (Act 560) prohibiting child marriages. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation No. 21 on equality in marriage and family relations.**

248. The Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention. The Committee is concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

249. **The Committee calls upon the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex and by rural and urban areas, indicating the impact of measures and the results achieved in the practical realization of women's de facto equality.**

250. The Committee notes with concern that the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women has not yet been ratified, despite the fact that the Parliament, in December 2002, passed a resolution approving its ratification.

251. **The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women as soon as possible. It also calls upon the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

252. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

253. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.**

254. **The Committee notes that States' adherence to the seven major international human rights instruments**[1] **enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee commends the State party for having ratified the seven major international human rights instruments.**

255. **The Committee requests the wide dissemination in Ghana of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations,**

the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

256. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which is due in February 2007, and its seventh periodic report, which is due in February 2011, in a combined report in February 2011.**

Mauritius

257. The Committee considered the combined third, fourth and fifth periodic report of Mauritius (CEDAW/C/MAR/3-5) at its 745th and 746th meetings, on 11 August 2006 (CEDAW/C/SR.745 and 746). The Committee's list of issues and questions is contained in CEDAW/C/MAR/Q/5, and the responses of Mauritius are contained in CEDAW/C/MAR/Q/5/Add.1.

Introduction

258. The Committee expresses its appreciation to the State party for its combined third, fourth and fifth periodic report, which follows the Committee's guidelines for the preparation of periodic reports, but which was overdue and did not refer to the Committee's general recommendations. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

259. The Committee commends the State party on its high-level delegation, headed by the Minister of Women's Rights, Child Development, Family Welfare and Consumer Protection, and expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

260. The Committee commends the State party on the withdrawal of reservations, made upon accession, to article 11, paragraph 1 (b) and (d), and article 16, paragraph 1 (g). The Committee notes with appreciation that the State party accepted, on 29 October 2002, the amendment to article 20, paragraph 1, of the Convention, concerning the extension of the Committee's meeting time.

Positive aspects

261. The Committee notes with satisfaction the comprehensive review of laws undertaken by the State party and the legislative measures taken to protect and promote women's human rights, including the enactment of the Sex Discrimination Act (2002), which covered direct and indirect discrimination, the Protection from Domestic Violence Act 1997 (amended in 2004), which included gender-based violence in the definition of discrimination, the Education Act (amended in 2005), which increased the age of free, compulsory education to 16 years, and the amendment (1995) to subsection 3 of section 16 of the Constitution, which included sex as a prohibited ground of discrimination.

262. The Committee takes note with appreciation of the State party's recognition of the difficult employment situation of women and its creation of an empowerment

fund to promote further the economic empowerment of vulnerable groups by, inter alia, providing land for social housing and for small entrepreneurs, and training and retraining programmes for unemployed women.

263. The Committee welcomes the establishment of the Trust Fund for the Social Integration of Vulnerable Groups to provide access to economic resources to women living in poverty and its launching of microcredit and microenterprise schemes to enable women to become self-sufficient and more economically independent.

Principal areas of concern and recommendations

264. **While recalling the State party's obligation to implement systematically and continuously all provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on the action taken and the results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

265. The Committee is concerned that, although the State party acceded to the Convention in 1984, not all provisions of the Convention have been incorporated into national law, and more particularly that, without such incorporation, the Convention's provisions are not enforceable in Mauritian courts.

266. **The Committee urges the State party to complete the process of incorporation of the Convention within a fixed period of time so that it becomes fully applicable in the domestic legal system. It calls upon the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judges, lawyers and prosecutors, so as to firmly establish a legal culture that is supportive of women's equality and non-discrimination.**

267. The Committee is concerned that an exemption to the prohibition of discrimination has been maintained in section 16 (4) (c) of the Constitution on personal status law, including adoption, marriage, divorce, burial and devolution of property on death, in contravention of articles 2 and 16 of the Convention.

268. **The Committee calls upon the State party to engage with respective religious communities in a constructive dialogue in order to repeal the exemption of personal status law from the protection-against-discrimination provisions of section 16 (4) (c) of the Constitution, so as to bring it into compliance with articles 2 and 16 of the Convention. The Committee encourages the State party to include in its Constitution or other appropriate national legislation, such as the Equal Opportunities Bill which is currently under preparation, provisions on the equal rights of women and men, in line with article 2 (a) of the Convention.**

269. The Committee expresses concern that in the four years since the enactment of the Sex Discrimination Act, the State party has failed to initiate the use of temporary special measures, as provided for in section 9 of that Act, in order to accelerate the

achievement of substantive equality between women and men in both the public and private sectors.

270. **The Committee calls upon the State party to implement effectively temporary special measures without further delay in accordance with article 4, paragraph 1, of the Convention, and with the Committee's general recommendation 25, in order to accelerate the realization of women's substantive equality with men in all areas. It recommends that the State party also include in the pending Equal Opportunities Bill a provision on temporary special measures, in particular with regard to women's participation in decision-making, education and access to economic opportunities, and to closely monitor its implementation after the adoption of the law.**

271. While acknowledging the implementation of measures, such as the "Men as Partners" programme, which have increased the level of knowledge and awareness of men and women of health-related matters, family welfare and women's empowerment, the Committee is concerned about the persistence of strong patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society, whereby men are still considered the main breadwinners and women's primary responsibility is still household chores.

272. **The Committee calls upon the State party to intensify its efforts to bring about change in the widely accepted stereotypical roles of men and women. Such efforts should include comprehensive awareness-raising and educational campaigns that address women and men and girls and boys, with a view to eliminating the stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee recommends that the State party strengthen its work on non-sexist advertising, gender-neutral job classifications, sensitization of educators and removal of stereotypes in textbooks. The Committee urges the State party to monitor carefully the impact of these measures and to report on the results achieved in its next periodic report.**

273. While noting the various legal and other initiatives taken by the State party to address violence against women, the Committee is concerned that violence against women remains a serious problem and that the State party lacks a sufficient number of shelters for battered women and their children. The Committee is also concerned that the State party has failed to criminalize marital rape.

274. **The Committee calls on the State party to intensify its awareness-raising efforts with regard to violence against women, in particular domestic violence, and the unacceptability of all such violence. It calls on the State party to strengthen prevention efforts and sensitization measures, addressed to the public at large, and to increase the number of available shelters for battered women and their children. The Committee requests the State party to enact legislation criminalizing marital rape, defining such rape on the basis of lack of consent of the wife. It also urges the State party to put in place effective monitoring and evaluation mechanisms so as to ensure the effectiveness of measures taken to address all forms of violence against women.**

275. The Committee is concerned about the lack of information regarding the extent of trafficking in women and girls and the absence of a comprehensive law or systematic measures to address this issue. The Committee is also concerned about

the extent of prostitution, including of girl children as young as 10 years of age, and of the scale of this phenomenon in the tourism industry. It is further concerned that clients of prostitutes are not prosecuted under current legislation. The Committee is concerned about the exploitation of prostitution, despite the efforts to combat this phenomenon, such as sensitization campaigns for hotel personnel, community-level activities and neighbourhood watch schemes.

276. **The Committee recommends that the State party ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and collaborate with countries in the region to prevent and combat trafficking in women. The Committee urges the State party to pursue a comprehensive approach in addressing the question of prostitution, including legislation to sanction the demand side of prostitution, and in particular to provide women and girls with educational and economic alternatives to prostitution, including economic empowerment programmes for women. The Committee calls on the State party to address the link between tourism and prostitution, including the demand for prostitution. The State party should ensure the effective prosecution and punishment of those who exploit prostitution. The Committee requests the State party to provide, in its next report, comprehensive information and data on exploitation of prostitution and trafficking in women and on the measures taken to prevent and combat such activities. It also requests that statistics be provided on the number of prosecutions and convictions of those who exploit prostitution and of traffickers. It further requests that information be provided on the support measures provided to victims of trafficking.**

277. While noting the State party's commitment to the goal of the Southern African Development Community to increase the number of women in decision-making and political life to 30 per cent, as orally indicated, the Committee is concerned about the extremely low level or even absence of representation of women in many facets of political and public life and in decision-making positions, including in Parliament, as municipal councillors, village councillors, mayors, heads of district councils, directors in State-owned companies and in the foreign service. The Committee is also concerned about the level of representation of women in decision-making in the private sector.

278. **The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete numerical goals and timetables so as to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life, including at the international level. It urges the State party to promote awareness of the importance of women's participation in decision-making processes at all levels of society. It encourages the State party to take measures that will lead to an increase in the number of women at the decision-making level in private sector organizations. It calls on the State party to monitor systematically the effectiveness of the measures taken so as to ensure the achievement of stated goals.**

279. The Committee is concerned about the illiteracy rates among women and the disparities in this regard between women in urban and rural areas. The Committee is also concerned about the inherent discrimination in the traditional choice of subjects

offered to girls and boys in schools that are not co-educational schools and its consequences for women's professional opportunities.

280. **The Committee urges the State party to give high priority to reducing the illiteracy rate of women, in particular those from rural areas. It recommends the active encouragement of diversification of educational and professional choices for women. The Committee urges the State party to ensure that schools for girls are provided with the same facilities and resources as schools for boys. It encourages the State party to study the impact of measures taken so as to ensure achievement of identified targets.**

281. The Committee is concerned about the precarious situation of women in employment. It is also concerned about occupational segregation and the concentration of women in the low-wage and unskilled labour sectors, as well as wage differentials between women and men. The Committee is further concerned that maternity leave with pay covers only up to three births and about the absence of paternity leave.

282. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and to continue to implement special training and retraining programmes for different groups of unemployed women. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. The Committee urges the State party to extend maternity benefits to women for all births and encourages the State party to introduce both paternity and parental leave.**

283. The Committee is particularly concerned about the weak enforcement of labour laws by the Sex Discrimination Division of the Human Rights Commission, which apparently opts for mediation rather than the referral of cases of non-compliance with the Sex Discrimination Act to the office of the Director of Public Prosecutions for prosecution.

284. **The Committee recommends that the Sex Discrimination Division ensure that serious breaches of the Sex Discrimination Act are referred for prosecution.**

285. The Committee is concerned about the rising incidence of teenage pregnancy and its implications for the health and education of girls. The Committee is also concerned that abortion is criminalized in all circumstances. The Committee is further concerned about the increasing HIV/AIDS infection rates of women.

286. **The Committee urges the State party to step up the provision of family planning information and services to women and girls, in particular regarding reproductive health and affordable contraceptive methods, and to promote widely sex education targeted at girls and boys, with special attention to the prevention of teenage pregnancy. The Committee recommends that the State party consider reviewing the law relating to abortion for unwanted pregnancies with a view to removing punitive provisions imposed on women who undergo abortion, in line with the Committee's general recommendation 24, on women and health, and the Beijing Declaration and Platform for Action. The Committee urges the State party to expedite the work being done by the**

Ministry of Health and other stakeholders in reviewing those circumstances under which abortion could be permitted in the country. The Committee also urges the State party to provide women with access to quality services for the management of complications arising from unsafe abortions and to reduce women's maternal mortality rates. The Committee recommends the full implementation of the National Strategic Plan to Combat Sexually Transmitted Diseases and HIV/AIDS, with a view to decreasing the infection rates of women.

287. The Committee is concerned that a woman must resort to a number of courts in cases related to divorce and other ancillary relief, and notes with concern that the establishment of a family court to deal with such matters has been on the national agenda since the examination by the Committee of the State party's initial and second periodic reports in 1995.

288. **The Committee urges the State party to accelerate the establishment of a family court with the authority to deal with all matters relating to marriage and its dissolution, within a concrete time frame.**

289. **The Committee welcomes the announcement that the State party has initiated the process for ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which it signed in 2001, and encourages the State party to complete the process expeditiously.**

290. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

291. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals, and requests the State party to include information thereon in its next periodic report.**

292. **The Committee notes that adherence by States to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Mauritius to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

293. **The Committee requests the wide dissemination in Mauritius of the present concluding comments in order to make the people, including governmental officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-**

third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

294. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which was due in 2005, and its seventh periodic report, which is due in 2009, in a combined report in 2009.**

5. Fourth periodic report

Chile

295. The Committee considered the fourth periodic report of Chile (CEDAW/C/CHI/4) at its 749th and 750th meetings, on 16 August 2006 (see CEDAW/C/SR.749 and 750). The Committee's list of issues and questions is contained in CEDAW/C/CHI/Q/4, and the responses of Chile are contained in CEDAW/C/CHI/Q/4/Add.1.

Introduction

296. The Committee expresses its appreciation to the State party for its fourth periodic report, which takes into account the Committee's previous concluding comments and general recommendation 19, while noting that the report does not refer to the Committee's other general recommendations. The Committee notes with appreciation the quality of the report and expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications in response to the questions posed by the Committee.

297. The Committee commends the State party's high-level delegation, headed by the Minister of the National Service for Women, which included representatives of various ministries of the Government with responsibility for the implementation of measures in the areas covered by the Convention. It appreciates the frank and constructive dialogue held between the delegation and members of the Committee.

Positive aspects

298. The Committee congratulates the country's first female President on the appointment of a Cabinet with a membership of 50 per cent women ministers, as well as the achievement of 48.4 per cent women heads of State departments and 50 per cent governors.

299. The Committee notes with satisfaction the strength of the national machinery for the advancement of women, its proposed 30 per cent budgetary increase in 2006 and the considerable efforts made in promoting gender equality and mainstreaming gender perspectives into all public policies.

300. The Committee commends the State party for the legislative reforms undertaken since the consideration of its second and third periodic reports in 1999, including amendments to the Criminal Code, the Code of Criminal Procedure and other legislation relating to the crime of rape, including marital rape (1999); amendments to the Labour Code (2001); amendments to the law on family abandonment and payment of alimony and support (2001); amendments to the

Organic Constitutional Law on Education (2000); the Act establishing procedures and penalties for acts of family violence (2005); the Act creating the Family Courts (2004); the Act on sexual harassment in the workplace (2005); and the new Civil Marriages Act (2004).

301. The Committee commends the State party for the adoption of poverty reduction strategies that specifically target women, including the National Vocational Training Programme for Low-income Women, Particularly Women Heads of Household; and "Sistema Chile Solidario: Comprehensive Social Protection for the 225,000 Poorest Families in Chile", launched in 2002 to help families suffering from social and economic exclusion, which has a central focus on women.

Principal areas of concern and recommendations

302. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to parliament so as to ensure their full implementation.

303. While welcoming the legislative reforms undertaken since 1999, and the State party's declared political will to fully implement the Convention, the Committee is concerned about the slow progress in further legal reform, particularly in regard to the draft law establishing a new property ownership regime granting the wife and husband equal rights and obligations, which has been pending since 1995, and the draft bill on quotas submitted in 1997, aimed at promoting women's right to participate in national public life.

304. The Committee calls on the State party to ensure that sustainable change towards full equality of women with men in all aspects of public and private life is achieved through comprehensive legal reform. The Committee urges the repeal or amendment of all discriminatory legislative provisions without delay, as required under article 2 of the Convention, and calls on the State party to close legislative gaps and enact other laws necessary to bring the country's legal framework fully into compliance with the provisions of the Convention and to ensure equality between women and men, as enshrined in the Chilean Constitution. It encourages the State party to set a clear timetable and to raise the awareness of legislators and the general public of the urgent need to prioritize legal reforms to achieve de jure equality for women. The Committee also urges the State party to adopt temporary special measures so as to accelerate the achievement of women's de facto equality, as called for in article 4, paragraph 1, of the Convention and in the Committee's general recommendation 25, and in relation to all areas of the Convention where appropriate and necessary.

305. The Committee is concerned about the significant wage gap between women and men, which increases with women's age, level of education and job responsibilities, and where women employed in management positions are paid on average 50 per cent less than men. The Committee also notes with concern that

women have higher unemployment rates than men in spite of the fact that the female labour force is better educated than the male. Furthermore, while recognizing the efforts made by the State party to improve the working conditions and opportunities for women seasonal and casual workers, including the provision of childcare centres, the Committee remains concerned that only 39.7 per cent of lower-income women workers have an employment contract, which puts them also at a significant disadvantage in the social security system.

306. The Committee recommends that the State party conduct a detailed study on women's participation in the labour market and collect sex-disaggregated data in particular to determine the factors that contribute to women's disadvantage in the labour market as reflected in the wage gap, high unemployment and scarcity of women in managerial positions. The Committee also requests the State party to develop a comprehensive system to monitor the contracts of temporary and seasonal women workers and take measures to eliminate practices that disadvantage women in the social security system. The Committee requests the State party to provide detailed disaggregated data and information on the situation of women in the formal and informal labour markets. The above information should be disaggregated by women's age, level of skills, education and specialization and employment sector, as well as by urban and rural areas, and be included in the next report.

307. While welcoming the recent progress in decision-making positions in public life, the Committee expresses concern about the fact that women's participation in parliament, in municipalities and in the foreign service remains slight.

308. The Committee urges the State party to intensify its efforts to reform the binominal electoral system, which is unfavourable for women's political representation, and take measures, in particular temporary special measures, aimed at accelerating de facto equality between women and men in order to increase the participation of women in political life, particularly in parliament and municipalities, in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, on temporary special measures, and general recommendation 23, on women in public life. The Committee recommends that the State party take measures to increase the number of women studying for a career in the foreign service in order to meet the commitments to gender equality introduced in the Management Improvement Programme and to comply with the State party's obligations under article 8 of the Convention.

309. While noting the State party's recent initiatives to address the problem of trafficking in women and girls, including the ratification in November 2004 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee remains concerned by the insufficiency of information on the causes and extent of trafficking in Chile as an origin, transit and destination country, the lack of national legislation and the absence of adequate measures to combat the phenomena of trafficking and exploitation of prostitution.

310. The Committee calls on the State party to adopt necessary legislation and develop a comprehensive anti-trafficking strategy and plan of action to combat this phenomenon. Such a strategy should include qualitative and quantitative research and the implementation of preventive and protective programmes, including measures for the rehabilitation and social integration of women and girls who are victims of sexual exploitation and trafficking as well as the prosecution of

traffickers. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls and on prostitution, as well as the measures in place to combat these phenomena and their impact.

311. The Committee notes the State party's goal to reduce teenage pregnancy by 45 per cent by 2015 and welcomes measures taken so far in this regard, as well as measures to ensure the right to education for pregnant girls and young mothers. However, the Committee remains concerned about the high rates of teenage pregnancy and the rising levels of pregnancy in early adolescence, which continue to be a major cause of girls dropping out of school.

312. The Committee requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies among adolescents. These should include measures, including prosecution, against men who have sexual intercourse with underage girls, as well as educational measures for girls and boys aimed at responsible partnerships and parenthood. The Committee also calls on the State party to ensure appropriate measures for continuing the education of young mothers and their access to schooling and to monitor the effectiveness of these measures and report on results achieved in its next report.

313. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in Chile. It remains concerned that abortion under all circumstances is a punishable offence under Chilean law, which may lead women to seek unsafe, illegal abortions, with consequent risks to their life and health, and that clandestine abortions are a major cause of maternal mortality.

314. The Committee calls on the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24, on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives and family planning methods more widely available and affordable and without any restriction, and by increasing knowledge and awareness about family planning among women as well as men. The Committee also calls on the State party to reduce maternal mortality rates through safe motherhood services and prenatal assistance and take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of lack of appropriate services in regard to fertility control. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion and provide them with access to quality services for the management of complications arising from unsafe abortion and to reduce maternal mortality rates, in accordance with general recommendation 24, on women and health, and the Beijing Declaration and Platform for Action.

315. The Committee notes with concern that the Civil Marriages Act, which has been in force since November 2004, increased the minimum age of marriage for both boys and girls to only 16 years of age.

316. The Committee urges the State party to further revise its legislation with a view to raising the minimum legal age of marriage to 18 years, in order to bring it

into line with article 1 of the Convention on the Rights of the Child and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women and general recommendation 21, on equality in marriage and family relations.

317. The Committee regrets the lack of sufficient sex-disaggregated data throughout the report and responses to the list of issues and questions in relation to many of the provisions of the Convention.

318. The Committee requests the State party to include in its next report sex-disaggregated statistical data and analysis in regard to the provisions of the Convention, indicating the impact of measures taken and of results achieved in the practical realization of women's de facto equality.

319. The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and make accompanying efforts to conduct a national campaign that correctly informs and educates Government officials and the general public about the Convention, its Optional Protocol and the Committee.

320. The Committee encourages the State party to expand its consultations with non-governmental organizations in the implementation of the Convention and the present concluding comments, and in the preparation of the next periodic report.

321. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

322. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

323. The Committee commends the State party for having ratified the seven major international human rights instruments.[1] It notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

324. The Committee requests the wide dissemination in Chile of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

325. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth periodic

report, which is due in January 2007, and its sixth periodic report, due in January 2011, in a combined report in January 2011.

6. Combined fourth and fifth periodic report

Democratic Republic of the Congo

326. The Committee considered the combined fourth and fifth periodic report of the Democratic Republic of the Congo (CEDAW/C/COD/4-5) at its 739th and 740th meetings, on 8 August 2006 (see CEDAW/C/SR.739 and SR.740). The Committee's list of issues and questions is contained in CEDAW/C/COD/Q/5, and the Democratic Republic of the Congo's responses are contained in CEDAW/C/COD/Q/5/Add.1.

Introduction

327. The Committee expresses its appreciation to the State party for submitting its combined fourth and fifth periodic report, in spite of the country's difficult economic and political situation, which gives a candid picture of the overall situation of women and the challenges to realizing equality between women and men. It notes that the report does not make reference to the Committee's general recommendations, contains little statistical data disaggregated by sex and does not fully comply with the Committee's guidelines for the preparation of reports.

328. The Committee expresses its appreciation for the responses to the list of issues and questions of the pre-session working group. The Committee also expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the current situation of women in the country.

329. The Committee commends the State party for its delegation headed by the Secretary-General of the Ministry on the Status of Women and the Family. In the light of the persistence of prejudices and of stereotypes with respect to the role of women in society and of the idea of male superiority, the Committee regrets that the delegation did not include any men.

330. The Committee notes that after many years of armed conflict, which has resulted in the destruction of the socio-economic infrastructure and the majority of the population living in extreme poverty, the presidential and parliamentary elections of June 2006 mark the beginning of a process of recovery for the country and the enhanced implementation of the Convention.

Positive aspects

331. The Committee welcomes the commitments expressed by the State party in the aftermath of the armed conflict towards the realization of de facto equality for women and the full implementation of the provisions of the Convention.

332. The Committee notes with appreciation the efforts undertaken by the State party aimed at achieving gender equality and eliminating discrimination against women, notably through the adoption of the new Constitution, the national programme for the promotion of Congolese women of 1999 and the gender mainstreaming document of 2004.

Principal areas of concern and recommendations

333. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

334. The Committee is concerned that in the post-war transition period, the promotion of women's human rights and gender equality is not seen as a priority, in particular in efforts to address the consequences of the armed conflict and in the peacebuilding and reconstruction processes. It is also concerned about the small number of women in leadership positions in the transition process.

335. **The Committee urges the State party to ensure that the promotion of women's human rights and gender equality is a central goal of all aspects of the transition process and to raise the legislature's awareness of that important goal. It further urges the State party to give serious attention to the specific needs of women in the post-conflict period and ensure women's equal participation in decision-making, in conformity with Security Council resolution 1325 (2000) on women, peace and security, with direct relevance to article 3, article 4, paragraph 1, and article 7 of the Convention.**

336. The Committee is concerned about the state of the judicial system in the Democratic Republic of the Congo and the fact that, although women's access to justice is provided for by law, their ability in practice to exercise this right and to bring cases of discrimination before the courts is limited by factors such as illiteracy, legal costs, lack of information on their rights and lack of assistance in pursuing their rights.

337. **The Committee requests the State party to strengthen the judicial system and to remove impediments women may face in gaining access to justice. The Committee urges the State party to provide legal aid services, and sensitization about how to utilize available legal remedies against discrimination, as well as to monitor the results of such efforts. It also encourages the State party to ensure that the judiciary is familiar with the Convention and the State party's obligations. The Committee requests the State party to seek assistance from the international community in order to implement such measures.**

338. The Committee is deeply concerned about the continuing occurrence of rapes and other forms of sexual violence against women and the ingrained culture of impunity for such crimes, which constitute grave and systematic violations of women's human rights. It is concerned about the insufficient efforts to conduct thorough investigations, the absence of protection measures for witnesses, victims and victims' families, the lack of information and data regarding cases and the lack of appropriate medical care, including rehabilitation measures, for victims.

339. **The Committee urges the State party to take without delay all necessary measures to put an end to all forms of violence against women and the impunity of perpetrators. The State party should draft and adopt a law on violence**

against women. The Committee requests the State party to provide in its next periodic report detailed information on the causes, scope and extent of all forms of violence against women and on the impact of measures taken to prevent such violence, to investigate occurrences, to prosecute and punish perpetrators and to provide protection, relief and remedies, including appropriate compensation, to victims and their families.

340. While recognizing the efforts undertaken by the State party aimed at the reconstruction of the country and its socio-economic fabric after the long years of armed conflict, including the repatriation, rehabilitation and resettlement of refugees and internally displaced persons, the majority of whom are women, the Committee is concerned that the widespread poverty among women and the poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against them.

341. **The Committee urges the State party to make the promotion of gender equality an explicit component of all its national reconstruction and development strategies, policies and programmes, in particular those aimed at repatriation, rehabilitation and resettlement and at poverty alleviation and sustainable development. The Committee also invites the State party to place emphasis on the promotion and protection of women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women.**

342. The Committee is especially concerned about the precarious situation of women in rural areas, who often lack access to decision-making, adequate health services, education, clean water and sanitation services, and justice, and who have suffered so much during the period of armed conflict. In this regard, it is concerned about the lack of an integrated rural development policy.

343. **The Committee urges the State party to pay special attention to the needs of rural women by implementing an integrated rural development policy, ensuring that rural women participate in decision-making processes and have access to health, education, clean water and sanitation services and justice. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural women.**

344. While welcoming the fact that articles 12, 13 and 14 of the Constitution guarantee equality between women and men and prohibit discrimination on the basis of sex, the Committee is concerned that there is no explicit definition of discrimination against women, in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation.

345. **The Committee urges the State party to enshrine in the Constitution or other appropriate legislation a definition of discrimination against women, in line with article 1 of the Convention, so as to create a solid basis for the practical realization of women's de facto equality. It also encourages the State party to include in the law a provision for temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation 25. The Committee encourages the State party to undertake a comprehensive national dialogue on women's rights to equality and non-discrimination so as to strengthen implementation of the Convention.**

346. The Committee is concerned about legislative provisions that continue to discriminate against women, including in the Family Code, the Labour Code and the Penal Code, as well as about the lack of legislation in certain areas, including on violence against women. It further expresses concern about the lack of legislation to implement the constitutional guarantees of equality of women and men, including the lack of a law on gender equality. The Committee is also concerned about ambiguities in existing laws such as those on sexual harassment and the election law, which prevent the realization of rights intended by the law for women.

347. **The Committee calls on the State party to take advantage of its post-war transition processes to undertake a comprehensive law review process. It encourages the State party to identify all laws that discriminate against women, as well as legislative gaps and ambiguities in the area of equality between women and men, with a view to revising such laws and drafting new legislation, with a specific timetable. It urges the State party to be guided in these efforts by existing international standards and to ensure full compliance with the Convention. It further urges the State party to present to the future parliament the reform of the Family Code as a high priority.**

348. While noting the national programme for the advancement of Congolese women of 1999 and the gender mainstreaming document of 2004, the Committee is concerned about the lack of a holistic approach to policies and programmes aimed at achieving women's equality with men, including mainstreaming a gender perspective in all areas. It is also concerned about the limited availability of data disaggregated by sex, which are necessary for effective gender analysis and targeted policies and programmes aimed at the implementation of the Convention.

349. **The Committee calls on the State party to further update the national programme for the advancement of Congolese women, to redefine its priorities and adjust them to the post-conflict period, and to address explicitly the needs of the large number of women victimized by the conflict. It calls on the State party to monitor the effectiveness and impact of its policies and programmes for gender equality so as to ensure their long-term sustainability. The Committee encourages the State party to seek international assistance to strengthen capacity to collect sex-disaggregated data in all areas of the Convention and to include such information in its next periodic report.**

350. While welcoming the upgrading of the national machinery for the advancement of women into a ministry on the status of women and the family, the Committee is concerned that the national machinery continues to suffer from a lack of authority and adequate human and financial resources, which hinders its effectiveness in the promotion of gender equality and the advancement of women.

351. **The Committee recommends that the State party expeditiously strengthen the national machinery for the advancement of women by enhancing its visibility, decision-making power and human and financial resources so that it can effectively implement its mandate, strengthen its effectiveness at the national and local levels and enhance coordination among all relevant mechanisms and entities at the national and the local level. It also recommends increased efforts to provide gender training and establish gender focal points in all ministries.**

352. The Committee is concerned about the strong persistence of patriarchal attitudes and deeply rooted stereotypes regarding the role and responsibilities of women and men in society, which are discriminatory towards women. The Committee is concerned that the preservation of negative cultural practices and traditional attitudes serves to perpetuate women's subordination in the family and society and constitute serious obstacles to women's enjoyment of their human rights.

353. **The Committee urges the State party to introduce measures without delay to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention, and ensure that women's rights to non-discrimination and equality set forth in the provisions of the Convention prevail. It urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling and supportive environment to transform and change discriminatory stereotypes and allowing women to exercise their human rights. It further calls upon the State party to periodically review the measures taken to assess their impact and to take appropriate remedial measures and to report thereon to the Committee in its next report.**

354. The Committee expresses concern about the small number of women in public life and decision-making, such as in the National Assembly and other areas of government.

355. **The Committee recommends that the State party undertake concrete measures to increase the number of women in decision-making positions, in accordance with its general recommendation 23, on women in political and public life, and in the foreign service. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, on temporary special measures, and establish concrete goals, such as quotas, and timetables to accelerate women's equal participation in public and political life.**

356. While welcoming article 5 of the new legislation on nationality, which enables women to transmit Congolese nationality through filiation in the same way as men, the Committee regrets that article 30 provides that women cannot retain their Congolese nationality if they marry a foreigner.

357. **The Committee urges the State party to remove this discriminatory provision so as to bring the law into full conformity with article 9 of the Convention.**

358. While welcoming the fact that articles 43 and 44 of the Constitution provide for free and mandatory primary education and the eradication of illiteracy, the Committee is concerned about the highly negative impact of the protracted armed conflict on the educational infrastructure, which constitutes particular obstacles for the education of girls and young women. The Committee is concerned about women's low enrolment rates in higher education. The Committee is especially concerned about the high rate of illiteracy among women, which in 2001 stood at 44 per cent for the country as a whole. The Committee notes that education is a key

to the advancement of women and that the low level of education of women and girls remains among the most serious impediments to their full enjoyment of human rights and the achievement of women's empowerment. It is very concerned about the high dropout rate of girls, including for reasons such as pregnancy and early and forced marriage.

359. **The Committee urges the State party to implement articles 43 and 44 of the Constitution through concrete legislative provisions, policy measures, adequate infrastructure and funding, and to raise awareness of the importance of education as a human right and a basis for the empowerment of women. It recommends that the State party implement measures to ensure equal access for girls and women to all levels of education and retain girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25. It encourages the State party also to take steps, in close collaboration with relevant non-State actors, to overcome traditional attitudes that constitute obstacles to girls' and women's education. The Committee calls on the State party to make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes, in collaboration with civil society and the support of international organizations, at the formal and non-formal levels, and through adult education and training.**

360. While noting the efforts made by the State party to improve women's health, including reproductive health, the Committee is concerned about the highly negative impact on maternal and infant mortality and morbidity rates of the protracted armed conflict, which resulted in lack of access to obstetric care, dilapidated clinics and lack of utilization of existing services during pregnancy and childbirth, limited access to adequate sexual and reproductive health services for women, especially women in rural areas, and the low level of education. The Committee is also concerned about the scant information provided about women and HIV/AIDS.

361. **The Committee recommends that the State party intensify its efforts to take measures to improve women's access to a wide range of health-care services, especially to emergency obstetric care and health-related services, and to information, in accordance with article 12 of the Convention and the Committee's general recommendation 24, on women and health, with targets for the reduction of the maternal mortality rate. It calls upon the State party to improve the availability of sexual and reproductive health services, including family planning, also with the aim of preventing early pregnancies and clandestine abortions. It encourages the State party to enhance such services, especially for rural women. The Committee further urges the State party to study the behavioural patterns of communities, and of women in particular, that inhibit their utilization of existing services and to take appropriate action. The Committee requests the State party to provide, in its next report, detailed statistical and analytical information on the results of measures taken to improve women's access to health-related services and information, including in regard to sexual and reproductive health and family planning, and the impact of these measures. It also calls on the State party to ensure the effective implementation of its HIV/AIDS strategies and to provide detailed statistical and analytical information about women and HIV/AIDS in its next periodic report. The Committee recommends that the State party seek financial and**

technical support from the international community in order to implement measures to improve women's health.

362. While noting the setting up of thematic networks of women's groups, the Committee is concerned that not enough is being done to nurture these groups and to coordinate them vertically, from the national to the rural level, and to develop them into constituencies that will help monitor and advocate for their rights.

363. **The Committee invites the State party to coordinate and collaborate more effectively with non-governmental organizations and women's associations and to support their effective role in advocacy and monitoring with regard to the implementation of the Convention, including in the follow-up to the concluding comments. The Committee recommends that the State party consult further with non-governmental organizations during the preparation of the next periodic report.**

364. **The Committee recommends that the State party avail itself of technical and financial assistance from the international community, as indicated in the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly, in order to facilitate the implementation of the Convention.**

365. **The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

366. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

367. **The Committee also emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.**

368. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of the Democratic Republic of the Congo to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

369. **The Committee requests the wide dissemination in the Democratic Republic of the Congo of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. In particular, the Committee encourages the State party to convene a public forum involving all State actors and civil**

society to discuss the content of the concluding comments. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

370. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. It invites the State party to submit its sixth periodic report, due in November 2007, and its seventh periodic report, due in November 2011, in a combined report in 2011.**

7. Fifth periodic report

Jamaica

371. The Committee considered the fifth periodic report of Jamaica (CEDAW/C/JAM/5) at its 745th and 746th meetings, on 11 August 2006 (see CEDAW/C/SR.745 and 746). The Committee's list of issues and questions is contained in CEDAW/C/JAM/Q/5 and Jamaica's responses are contained in CEDAW/C/JAM/Q/5/Add.1.

Introduction

372. The Committee expresses its appreciation to the State party for its fifth periodic report, which followed the Committee's guidelines for preparation of periodic reports, while noting that it does not refer to the Committee's general recommendations and lacks sufficient data disaggregated by sex. The Committee also expresses appreciation to the State party for the written replies to the list of issues and questions raised by its pre-session working group and for the introductory statement and further clarifications provided in response to the questions posed orally by the Committee.

373. The Committee expresses its appreciation for the frank and constructive dialogue that was held between the members of the Committee and the delegation, which updated developments in the State party since the submission of its report in 2004 and took into account the Committee's previous concluding comments, and which further clarified the present status of implementation of the Convention.

374. The Committee notes the State party's recognition of the role played by a number of non-governmental organizations and community-based women's organizations in the country, which assist the State party in its efforts to eliminate all forms of discrimination against women.

Positive aspects

375. The Committee commends the State party for its commitment at the highest level to accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and welcomes the time frame for ratification as indicated by the delegation.

376. The Committee commends the State party for the 2004 amendment to the Domestic Violence Act, and the passage of the 2004 Property (Rights of Spouses) Act and the 2005 Maintenance Act. It further recognizes the passage of the 2004 Child Care and Protection Act and the ratification, in December 2005, of the Convention of Belém do Pará, the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

377. The Committee welcomes the establishment of the National Gender Advisory Committee in 2004, with broad-based representation of Government ministries and agencies, non-governmental organizations, academics, rural women and youth, and which has an advisory function to the Government. It commends the National Gender Advisory Committee on the development of a National Gender Policy.

378. The Committee commends the State party for its achievements in the field of girls' education.

379. The Committee commends the State party for its demonstrated reduction in maternal mortality, which fell from 111:100,000 in 2000 to 95:100,000 in 2005, and welcomes the formation of a National Mortality Review Commission.

Principal areas of concern and recommendations

380. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

381. The Committee is concerned at the lack of, or limited availability of, data disaggregated by sex in a number of areas of the Convention, which is necessary for targeted policymaking, as well as the lack of, or limited availability of, the systematic monitoring and evaluation of progress achieved towards women's de facto equality and the accurate assessment of the situation of women and trends over time, with regard to all areas covered by the Convention.

382. **The Committee calls on the State party to give priority to the systematic collection of comprehensive data disaggregated by sex and of measurable indicators to assess trends in the situation of women and of progress towards women's de facto equality, and calls its attention to general recommendation 9 in this regard. The Committee invites the State party, as necessary, to seek international assistance for the development of such data collection and analysis efforts, including through its National Statistical Services, and ensure that such efforts are informed by the needs of users of data. The Committee requests that statistical data and analysis, disaggregated by sex and rural and urban areas, indicating the impact of measures and results achieved, be included in its next periodic report.**

383. The Committee remains deeply concerned about the persistence of strong patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life, which are discriminatory of women. The persistence of such values underpins discrimination against women in many spheres, and condones gender-based violence and promiscuous behaviour by men. The Committee regrets that no sustained, systematic action has yet been taken by the State party to modify or eliminate stereotypes and negative cultural values and practices that discriminate against women and prevent them from enjoying their human rights and continue to constitute a severe obstacle to the full implementation of the Convention.

384. **The Committee urges the State party to put in place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. It urges the State party to undertake such efforts in coordination with a wide range of stakeholders, and in all sectors of society, with a view to creating an enabling environment to transform and change stereotypes and discriminatory cultural values and practices, and ensuring that women can enjoy all their rights under the Convention. It also urges the State party to put in place monitoring mechanisms and to regularly assess progress made towards the achievement of established goals.**

385. The Committee notes with grave concern the extent, intensity and prevalence of violence against women, especially sexual violence, in Jamaica. It is concerned that the inadequacy of response of the legal system, the persistence of stereotypes that devalue women, insufficient training of criminal justice personnel, and the lack of enforcement measures designed to combat violence against women have contributed to a de facto culture of impunity, constituting an obstacle for women's access to justice. The Committee, while noting that the State party has made some efforts to address such violence against women, including the passage of the amendment to the Domestic Violence Act and the ratification of the Convention of Belém do Pará, remains concerned that so far, the problem has not been addressed in a holistic and systematic manner, and that measures designed to combat and eradicate all forms of violence against women are not enforced in practice. The Committee is also concerned that the prevailing gender stereotypes and patriarchal culture and macho image of men may be contributing factors to the levels of violence against women. The Committee is concerned about insufficient means of judicial recourse for victims, and a lack of victim services and protection, and of effective punishment of perpetrators of such violence.

386. **The Committee urges the State party to give priority attention to the design and implementation of a comprehensive strategy to combat and eradicate violence against women, in conformity with general recommendation 19 to prevent violence, punish offenders and provide services for victims. Such a strategy should also include awareness-raising measures and sensitization of, in particular, the judiciary, law enforcement officers and prosecutors, as well as teachers, health-care and social workers and the media. It calls upon the State party to ensure the implementation and effective enforcement of existing laws, and the priority passage and implementation of pending laws. It also encourages the State party to link its efforts to combat prevailing gender-based stereotypes with its efforts to combat violence against women. It further calls**

on the State party to establish a monitoring and evaluation mechanism so as to regularly assess the impact and effectiveness of law enforcement and programmes aimed at preventing and redressing violence against women. It encourages the State party to provide information on progress achieved and remaining obstacles encountered in its next periodic report. The Committee further recommends that the State party extend an invitation to the Special Rapporteur on violence against women, its causes and consequences, who may assist the Government in effectively addressing the situation, in addition to continuing to work with partners in the United Nations system and other international, regional and subregional organizations.

387. The Committee notes with concern that the national machinery for the advancement of women may not have the capacity and authority to coordinate the effective implementation of the Convention, and of a comprehensive gender mainstreaming strategy in Jamaica. While noting the establishment of the National Gender Advisory Committee, tasked with the formulation of a National Gender Policy, the Committee is concerned at the slow pace of its formulation and adoption. It is also concerned about the limited results in the use of the gender mainstreaming strategy, although a directive to that end was issued by the Cabinet Office already in 1996.

388. **The Committee calls on the State party to prioritize the strengthening of the national machinery and to provide it with the necessary human and financial resources, authority and political and organizational mandate necessary to serve as a catalyst and to coordinate the implementation of the Convention and effective use of the gender mainstreaming strategy across all line ministries and sectors. It further calls for the expeditious completion of proposals concerning the necessary institutional arrangements, tools and implementation plan for the recently-developed National Gender Policy, and to proceed with their practical application without delay. It also urges the State party to monitor systematically the impact of its gender mainstreaming efforts, and to report to the Committee in its next report on results achieved, obstacles encountered and steps taken to overcome such obstacles.**

389. While welcoming that the proposed amendment to the Constitution introducing a Charter of Rights and Freedoms will also prohibit discrimination on the ground of sex in its Section 13 (3) (i) (i), the Committee is concerned that this amendment does not seem to encompass a definition of discrimination against women in accordance with article 1 of the Convention, covering both direct and indirect discrimination and extending to acts of both public and private actors in accordance with article 2. The Committee also regrets the extensive delays in the passage of the proposed Charter of Rights and Freedoms (Constitutional Amendment) Bill which will amend the anti-discrimination provision in the current Constitution.

390. **The Committee calls on the State party to take all necessary steps to work with Parliament in ensuring the speedy adoption of the Charter of Rights and Freedoms Bill. It also encourages the State party to fully incorporate, in appropriate subsequent national implementing legislation, a definition of discrimination on the basis of sex in line with article 1 of the Convention, and extending to acts of discrimination by public and private actors in accordance with article 2. The Committee invites the State party to fully utilize the ongoing**

legal review process to ensure that such an incorporation of the Convention's definition of discrimination is achieved as expeditiously as possible.

391. While noting the recent passage of the amendment of the Domestic Violence Act, the Property Act and the Maintenance Act, the Committee remains concerned about extensive delays amounting to more than 15 years in, and the lack of priority afforded to legal reforms to eliminate discriminatory provisions, close legislative gaps and enact laws to bring the country's legal framework fully into compliance with the provisions of the Convention. The Committee notes, in particular, the delay in passage of the Bill to Amend the Offences Against the Person Act 1864, amendments to the Incest (Punishment of) Act 1948 and Employment (Equal Pay for Men and Women) Act 1975, and the absence of legislation regarding sexual harassment.

392. **The Committee urges the repeal or amendment of all discriminatory legislative provisions without delay in accordance with article 2 of the Convention, and calls on the State party to close legislative gaps and enact other laws necessary to bring the country's legal framework fully into compliance with the provisions of the Convention. It encourages the State party to set a clear timetable and to raise awareness of legislators and to engage in a campaign to raise the awareness of the general public of the urgent need to prioritize legal reforms to achieve de jure equality for women.**

393. The Committee is concerned that the Convention has not yet been utilized in the courts. The Committee is also concerned that the judiciary may not be sufficiently aware of the Convention and the State party's obligations thereunder.

394. **The Committee calls upon the State party to ensure that the Convention, and the obligation to interpret domestic legislation within the framework of the Convention, are made an integral part of the education and training of the legal profession, including judges, lawyers and public prosecutors. The Committee requests the State party to provide information on whether the Convention has been invoked before domestic courts in its next periodic report.**

395. The Committee is concerned about women's access to justice and the enforcement of their rights under the Convention, and obtain redress in the courts, as provided for under article 2 (c). It notes that women's access to justice is restricted by the fact that legal aid is not available to victims of discrimination or gender-based violence, and that the legal culture is not supportive of women's equality and non-discrimination.

396. **The Committee calls upon the State party to ensure that gender sensitivity be made an integral part of the education and training of judicial officers, including judges, lawyers, prosecutors and legal aid counsellors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. It invites the State party to enhance women's awareness of their rights through legal literacy programmes and to expand legal assistance to women wishing to bring claims of discrimination or other matters pertaining to equality, including civil and family law matters. It also encourages the State party to continue efforts to widely disseminate and raise awareness about the Convention, in particular the meaning and scope of direct and indirect discrimination, and formal and substantive equality. The**

Committee requests that the State party report on progress made in this regard in its next periodic report.

397. The Committee is concerned that apparently no temporary special measures have been put in place by the State party to accelerate the achievement of de facto equality of women and men, as provided for in article 4, paragraph 1, of the Convention, and that the Government lacks a clear understanding of the purpose of, and need for, temporary special measures provided for under the Convention.

398. **The Committee reiterates its recommendation made in its previous concluding comments to the State party[1] regarding the understanding and use of temporary special measures, and urges the State party to use temporary special measures, in accordance with article 4, paragraph 1, *of the Convention* and the Committee's general recommendation 25 as a necessary means for accelerated realization of women's de facto equality. It requests that the Government include information on the use of such temporary special measures, in relation to the various provisions of the Convention, in its next periodic report.**

399. While welcoming the fact that Jamaica is governed by its first female Prime Minister, the Committee is concerned about the low level of participation of women in public and political life at the highest levels of decision-making, and the lack of concrete steps taken to address the underlying causes, including prevailing social and cultural attitudes.

400. **The Committee urges the State party to take concrete measures to accelerate the increase in the representation of women in all branches and levels of Government, in accordance with article 7 of the Convention and its general recommendation 23 on women in political and public life. This should include the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, such as the establishment of concrete goals and timetables. The Committee welcomes the current Parliamentary resolution on the establishment of quotas, prepared in conjunction with the Bureau of Women's Affairs, and encourages its full consideration. The Committee also encourages the State party to implement awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels. The Committee invites the State party to monitor carefully the impact of measures taken and the results achieved, and to report thereon in its next periodic report.**

401. While the Committee commends the State party on its achievements in the field of girls' and women's education, it is concerned with the persistence of structural barriers such as de facto gender-based segregation in the field of education, including the practice of cross-timetabling, or conflicting class schedules that effectively prevent girls from pursuing courses of study traditionally offered to boys, and its consequences for women's opportunities in the labour market. It is also concerned with the persistence of gender-based stereotypes in textbooks, school curricula and teaching methods that reinforce discriminatory attitudes against women in society.

402. **The Committee calls on the State party to strengthen implementation of its efforts to tackle, through the education system, the structural causes of the**

persistent discriminatory attitudes against women. It calls on the State party to overcome expeditiously the de facto segregation in the education system, and to actively encourage the diversification of educational and professional choices for women and men and offer incentives for young women to enter traditionally male-dominated fields of study. The Committee calls on the State party to set a clear time frame for the introduction of gender-sensitive educational curricula and teaching methods that address the structural and cultural causes of discrimination against women, and to incorporate sensitization training for teachers both pre- and in-service. It also invites the State party to monitor systematically the impact of measures taken in relation to stated goals and to take corrective measures whenever necessary.

403. The Committee is concerned that, despite high educational qualifications, women continue to be underpaid and underemployed, and face horizontal and vertical sex segregation in the labour market. The Committee is also concerned about the lack of legislation prohibiting sexual harassment in the workplace, and the vulnerable situation of domestic workers who are entitled to receive maternity benefits under the National Insurance Scheme.

404. **The Committee encourages the State party to undertake the collection of data on the labour market, detailed by sector and disaggregated by sex, and to analyse the lack of correlation between the high level of education attained by women and their situation in the workplace, and to take measures to create an enabling environment for women to attain high-level and well paid positions. It calls on the State party to enact without delay legislation prohibiting sexual harassment in the workplace and to pass the amendment to the Women (Equal Pay for Men and Women) Act, and to monitor the de facto situation of women in the workplace, including the receipt of maternity benefits by domestic workers under the National Insurance Scheme.**

405. The Committee notes with concern the lack of data regarding women's access to primary and secondary health care, and is concerned, given the lack of empirical evidence, that there may be inadequate attention paid to the differential and specific needs of women beyond obstetric and reproductive health. The Committee also notes with concern the lack of data regarding the effectiveness and knowledge of policies promoting adolescents' access to and delivery of family planning and contraceptives in light of the persistent high rates of teenage pregnancy, many of which may result in unsafe abortion. Noting that abortion is one of the five leading causes of maternal mortality, and noting the existence of the 1975 Ministry of Health policy on abortion, it is concerned that the policy is not widely known or implemented, and services for the provision of safe abortions may not be available. While the Committee commends the State party on its work with the Joint United Nations Programme on HIV/AIDS and other international agencies in the area of AIDS prevention and improvement of women's sexual health and reproductive rights, the Committee notes with concern the increasingly high rates of HIV/AIDS infection in adolescent girls and the lack of a holistic strategy to combat the spread of HIV/AIDS. It regrets that it was not provided with information regarding the effectiveness of the Jamaica HIV/AIDS/STI National Strategic Plan 2002-2006 in reducing infection rates, and the apparent lack of verifiable indicators available for monitoring its effectiveness.

406. **The Committee calls on the State party to monitor systematically women's access to health care, including primary and secondary health-care services, and to disaggregate such data by urban and rural areas, and by age, and use such data as a basis for planning health care delivery. While noting the establishment of the National Advisory Group on Abortion and the existing policy on abortion, providing women with access to safe abortion, the Committee calls on the State party to implement as well as to raise awareness about this policy. The Committee also calls on the State party to enact without delay draft legislation which would provide a legal framework for the existing policy. It recommends the continued implementation of awareness-raising initiatives on women's health, including sexual and reproductive health and rights, and to also target adolescent girls, with special emphasis on combating HIV/AIDS. The Committee encourages more systematic use of its general recommendation 24, on women and health. The Committee also requests that the State party adopt measures to eliminate discrimination against women and girls infected with HIV/AIDS. It calls on the Government to include information, supported with measurable indicators and data disaggregated by sex, regarding the effectiveness of programmes targeting the reduction of HIV/AIDS and access to family planning in its next periodic report.**

407. The Committee is concerned that insufficient attention is being paid to the gender-specific impact on women, particularly rural women, of economic adjustment and trade liberalization programmes as a cause of poverty. It is also concerned with the poor living conditions rural women face, especially in the country's interior. While noting the number of interventions for rural women, it is concerned that these are scattered and welfare oriented rather than aimed at rural women's empowerment, and indicate the absence of a holistic approach to implementation of article 14 of the Convention. While noting that the State party has placed a high priority on its National Poverty Eradication Programme, the Committee regrets the lack of data provided on its impact on women.

408. **The Committee calls upon the State party to monitor systematically the impact on women, including rural women, of economic adjustment and trade liberalization policies, and in particular of its National Poverty Eradication Programme and other poverty reduction efforts. To that end, it recommends that the State party undertake a gender impact analysis of all such policies as well as of the national budget. It recommends that the State party develop a comprehensive and holistic approach including the elimination of discrimination against women to the implementation of article 14 of the Convention on rural women, and to report on results achieved in its next report.**

409. The Committee is concerned that, according to the Marriage Act, the legal minimum age of consent for marriage is 16 years, with parental consent or that of a guardian. While noting the response of the delegation which indicated that few formal marriages of people under 18 years of age occur in practice, the Committee remains concerned about the possibility of such de facto marriages.

410. **The Committee calls upon the State party to raise without delay the minimum age of marriage to 18 years, in accordance with its general recommendation 21 and the Convention on the Rights of the Child. It also requests that the trends in teen pregnancies be monitored and that programmes**

for the prevention of teen pregnancy be implemented, as well as programmes that provide social services to pregnant teens, and ensuring their continued education.

411. **The Committee is looking forward to the speedy accession by the State party to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and urges the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

412. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

413. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

414. **The Committee notes that States' adherence to the seven major international human rights instruments**[1] **enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Jamaica to consider ratifying the treaties to which it is not yet a party, namely the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

415. **The Committee requests the wide dissemination in Jamaica of the present concluding comments in order to make the people of Jamaica, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

416. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which was due in 2005, and its seventh periodic report, due in 2009, in a combined report in 2009.**

8. Combined fifth and sixth periodic reports

China

417. The Committee considered the combined fifth and sixth periodic reports of China (CEDAW/C/CHN/5-6 and Add.1 and 2) at its 743rd and 744th meetings, on 10 August 2006 (see CEDAW/C/SR.743 and 744). Addendum 1 to the combined fifth and sixth periodic reports covered the implementation of the Convention by the Government of the Hong Kong Special Administrative Region, over which the Government of China resumed the exercise of sovereignty on 1 July 1997. Addendum 2 covered the implementation of the Convention by the Government of the Macao Special Administrative Region, over which the Government of China resumed the exercise of sovereignty on 20 December 1999. The Committee's list of issues and questions is contained in document CEDAW/C/CHN/Q/6 and the responses of China are contained in document CEDAW/C/CHN/Q/6/Add.1.

Introduction

418. The Committee commends the State party for submitting its combined fifth and sixth periodic reports and addenda, which followed the Committee's guidelines for the preparation of periodic reports and have taken into account the Committee's previous concluding comments. It regrets, however, that the report was overdue and did not state whether the Committee's general recommendations had been taken into account. The Committee further regrets that the report fails to provide sufficient statistical data disaggregated by sex as well as analytical information on the de facto situation of women in China.

419. The Committee expresses appreciation to the State party for the written replies to the list of issues and questions of the pre-session working group and for the oral presentation and further clarification offered in response to the questions posed orally by the Committee.

420. The Committee commends the State party for having sent a large and high-level delegation, headed by the Executive Vice-Chairperson of the National Working Committee on Women and Children of the State Council, which included representatives of the central Government and of the Hong Kong Special Administrative Region and the Macao Special Administrative Region. It expresses appreciation that the delegation included specialists from different ministries and departments of the central Government, including the Ministries of Foreign Affairs, Education, Civil Affairs, Health, Labour and Social Security, and Personnel, and the National Population and Family Planning Commission, the Supreme Court, and the State Ethnic Affairs Commission, as well as from the Hong Kong Special Administrative Region and the Macao Special Administrative Region. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

Positive aspects

421. The Committee commends the State party on the range of recent legal reforms and policies and programmes aimed at eliminating discrimination against women and promoting gender equality and at achieving compliance with the obligations under the Convention. In particular, it welcomes the 2005 amendment to the Law on the Protection of Rights and Interests of Women, the 2001 amendment to the

Marriage Law adding provisions in a number of areas, including on domestic violence, property of couples and relations among family members, the promulgation in 2002 of the Law on Contracting of Rural Land, which contains provisions for the allocation of land to married, divorced and widowed women, and the 2006 amendment to the Law on Compulsory Education. It also welcomes the Programme for the Development of Chinese Women (2001-2010), which makes gender equality a basic State policy for the enhancement of national social progress.

422. The Committee welcomes the active involvement of civil society in particular women's non-governmental organizations, in the Hong Kong Special Administrative Region, in safeguarding the human rights of women.

423. The Committee commends the State party for the continuing applicability of the Convention to the Macao Special Administrative Region following resumption of Chinese sovereignty over Macao on 20 December 1999 under the principle of "one country, two systems".

Principal areas of concern and recommendations

424. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention until the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

425. The Committee remains concerned that Chinese domestic legislation still does not contain a definition of discrimination against women, in accordance with article 1 of the Convention, encompassing both direct and indirect discrimination, as already noted in its previous concluding comments (A/54/38/Rev.1), and that such a definition was not included in the Law on the Protection of Rights and Interests of Women, amended in 2005. While noting that the Convention is an integral part of Chinese law, the Committee is concerned that the State party is still not aware of the importance of such a definition and that the lack of a specific legal provision may constrain the application of the full scope of the Convention's definition of discrimination in the State party.

426. **The Committee reiterates its recommendation that the State party develop capacity to understand the meaning of substantive equality and non-discrimination, as required by the Convention, and include a definition of discrimination against women in its domestic law, encompassing both direct and indirect discrimination, in line with article 1 of the Convention.**

427. While welcoming the establishment of special courts and tribunals for the protection of the rights of women and children, the Committee notes with concern that in the absence of provisions for effective legal remedies, women's access to justice in cases of discrimination may remain limited, in particular in rural areas. The Committee also notes that the Convention does not appear to have ever been invoked in a court of law.

428. **The Committee encourages the State party to ensure that the Convention, the Committee's general recommendations and related domestic legislation are made an integral part of the legal education and training of judicial officers, including judges, lawyers and prosecutors, and to ensure that, in particular, judges and officers of the special courts and tribunals are familiar with the Convention and the State party's obligations thereunder. It also calls upon the State party to enhance availability of effective legal remedies and implement further awareness-raising and sensitization measures about such legal remedies against discrimination so that women can avail themselves of them. It encourages the State party to monitor the results of such efforts and to include in its next periodic report detailed statistics on the use by women of the legal system to obtain redress for discrimination in all fields covered by the Convention, and trends over time.**

429. The Committee is concerned that the report did not include sufficient data disaggregated by sex, regions and ethnic groups, and information comparing the situation of women to that of men, to enable it to obtain a comprehensive understanding of the current situation of women in regard to all areas covered by the Convention, and trends over time. The Committee is further concerned that the lack or limited availability of such detailed data may also constitute an impediment to the State party itself in designing and implementing targeted policies and programmes, and in monitoring their effectiveness in regard to the implementation of the Convention in all parts of the vast country.

430. **The Committee calls upon the State party to study obstacles to data collection and to enhance the collection and the wide availability of sex-disaggregated statistical information, by region and by ethnic group, in regard to each of the provisions of the Convention, in order to enhance its capacity to design and implement targeted policies and programmes aimed at the promotion of gender equality and women's enjoyment of their human rights. It also recommends that the State party strengthen its monitoring and assessment of the impact of such policies and programmes and to take corrective measures, whenever necessary. It requests the State party to provide such statistical information and trends over time in its next periodic report so that an in-depth assessment of the progress in the implementation of the Convention can be made.**

431. While commending the State party for the significant economic growth and related reduction in poverty rates achieved in recent years, the Committee is concerned that those benefits continue to be unevenly distributed between urban and rural areas and that women may not benefit to the same extent as men from overall economic growth and development. The Committee is also concerned at the gender-specific consequences of economic restructuring, decentralization of services, in particular as regards the employment of women, their health and education and the State party's focus on the development of infrastructure over social spending, and the impact of those policies on women and girls, in particular in rural areas.

432. **The Committee calls upon the State party to enhance its monitoring of the impact of economic development and changes on women and to take proactive and corrective measures, including increasing social spending, so that women can fully and equally benefit from growth and poverty reduction. To that end, it recommends that a gender impact analysis of all social and economic policies**

and poverty reduction measures be conducted regularly, including of the budget. It invites the State party to implement targeted measures to prevent and eliminate any adverse impact on women of economic restructuring, in particular, on those who live in rural and remote areas or who belong to an ethnic minority.

433. The Committee expresses concern at the persistence of deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society, reflected in concerns such as son-preference, which lead to high adverse sex-ratio and illegal sex-selective abortion. The Committee is concerned that these prevailing attitudes continue to devalue women and violate their human rights.

434. **The Committee calls upon the State party to put in place a comprehensive approach to overcoming traditional stereotypes regarding the role of women and men in society, in accordance with articles 2 (f) and 5 (a) of the Convention. Such an approach should include legal, policy and awareness-raising measures, involve public officials and civil society and target the entire population, in particular men and boys. It should include the use of different media, including radio, television and print, and encompass both specialized and general programmes. The Committee calls upon the State party to evaluate the gender sensitivity of the curriculum and textbook reform it has undertaken since 2000 and to further ensure that it explicitly addresses the principle of equality between women and men.**

435. While recognizing the efforts made by the State party to address trafficking in women and girls, including cross-border and international cooperation, the Committee is concerned that the definition of trafficking in the Penal Code is limited to the purpose of exploitation of prostitution and is therefore not in line with international standards. The Committee also expresses concern that the continued criminalization of prostitution has a disproportionate impact on prostitutes rather than on the prosecution and punishment of pimps and traffickers. It is also concerned that prostitutes may be kept in administrative detention without due process of law. Moreover, the Committee is concerned about the insufficient data and statistical information about the extent of trafficking, in particular internal trafficking

436. **The Committee recommends that the State party increase its efforts to combat all forms of trafficking in women and girls. It urges the State party to bring its domestic legislation into line with international standards and to speedily complete, adopt and implement the draft national programme of action against human trafficking. It requests the State party to enhance enforcement of the law against trafficking to ensure that those who traffic and sexually exploit women and girls are prosecuted and punished, and to provide all necessary assistance to the victims of trafficking. The Committee also urges the State party to take measures aimed at the rehabilitation and reintegration of women in prostitution into society, to enhance other livelihood opportunities for women to leave prostitution, provide support for them to do so and to prevent any detention of women without due legal process. It calls upon the State party to systematically compile detailed data on cross-border and internal trafficking, reflecting the age and ethnic background of the victims. The Committee requests the State party to provide in its next report comprehensive**

information and data on the trafficking of women and girls as well as on the impact of measures taken and results achieved in this regard.

437. While commending the State party for the explicit prohibition of domestic violence in the amended Marriage Law of 2001 and for other measures taken to address violence against women, the Committee remains concerned by the lack of comprehensive national legislation on violence against women that also provides access to justice and means of support for victims and punishment of perpetrators, and the lack of statistical data concerning all forms of violence against women. The Committee is also concerned about reported incidents of violence against women in detention centres, in particular in Tibet.

438. **The Committee urges the State party to adopt a comprehensive law on violence against women and to ensure that all forms of violence against women and girls, both in the public and private spheres, constitute a crime punishable under criminal law. It calls upon the State party to provide immediate means of redress and protection to women and girls victims of violence, in accordance with the Committee's general recommendation 19. It also encourages the State party to enhance victims' access to justice and redress, for example, through training aimed at judicial officers, including judges, lawyers and prosecutors, in order to enhance their capacity to deal with violence against women in a gender-sensitive manner and ensure that claims are investigated expeditiously, including incidents of violence against women in detention centres. It also calls upon the State party to strengthen its system of data collection in regard to all forms of violence against women and to include such information in its next report.**

439. The Committee is concerned that the State party has made insufficient use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the realization of de facto equality for women in all areas of the Convention.

440. **The Committee recommends the utilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 to accelerate the practical realization of the goal of de facto or substantive equality of women with men in all areas of the Convention.**

441. While welcoming the provisions adopted by the State party to ensure the representation of women in all areas of political and public life, the Committee expresses concern at the continued low level of representation of women, including women from ethnic minority backgrounds, in public and political life and in decision-making positions, including in the foreign service. It notes with concern that the proposed revision of the Organic Law of the Villagers' Committees does not call for women's equal representation on villagers' committees.

442. **The Committee encourages the State party to take sustained measures, including temporary special measures, such as the establishment of adequate numerical goals and targets, and timetables, in order to progress more expeditiously towards women's full and equal representation in elected and appointed bodies in all areas of public life, from the local to the national levels, and in all branches of Government, including in the country's foreign service. The Committee recommends that the State party conduct training programmes**

on leadership and negotiation skills for current and future women leaders. It further urges the State party to undertake awareness-raising about the importance of women's participation in decision-making processes at all levels of society.

443. The Committee remains concerned about the disadvantaged position of rural women, in particular with regard to access to education, health, employment, participation in leadership and land property. It is also concerned at the situation of rural minority women, including Tibetan women, who face multiple forms of discrimination based on sex, ethnic or cultural background and socio-economic status. While noting with satisfaction the efforts to strengthen rural women's and girls' access to education, the Committee remains concerned that rural girls have disproportionate illiteracy and school dropout rates. It also expresses concern at the lack of health-care facilities and medical personnel in rural areas, the high maternal mortality rates and the rising costs for health care, such as user fees, which limit rural women's access to health services. While acknowledging legal protection of the equal rights of rural women to own and use land, the Committee notes with concern that 70 per cent of the rural landless are women. While noting the decrease in the rate of female suicide, the Committee remains concerned at the persistence of the high rate of female suicide in rural areas.

444. **The Committee recommends that the State party take all necessary measures to strengthen the active participation of rural women in the design, development, implementation and monitoring of rural development policies and programmes so as to enhance implementation of article 14 of the Convention. The measures should include efforts to ensure that all rural girls complete the nine years of compulsory education, free of all miscellaneous fees and tuition. Urgent attention should also be given to improving rural women's free access to health care and services in all rural areas. The Committee urges the State party to further assess the reasons for the disproportionate representation of women among the rural landless and to take appropriate remedial action, including measures and steps to change customs that result in discrimination against women. The Committee recommends enhancing the availability of affordable and quality mental health and counselling services in rural areas to further reduce the female suicide rate. The Committee urges the State party to take a holistic approach to eliminating the multiple forms of discrimination that ethnic minority women face and to accelerate the achievement of their de facto equality. The Committee requests the State party to provide, in its next report, comprehensive information, including sex-disaggregated data, on the situation of rural women, including ethnic minority women, especially with regard to their educational, employment and health status and exposure to violence.**

445. The Committee is concerned about the situation of women in the employment sector, including the lack of legal provisions guaranteeing equal pay for equal work and work of equal value, the persistent wage gap, the high concentration of women in the informal sector, the toxic and harmful environment certain women workers might be exposed to and income reduction in a competitive job market. While appreciating the various efforts to promote the re-employment of laid-off women workers, it is concerned that gender might be the primary reason for being laid off. It is also concerned about the limited monitoring of implementation of labour

legislation and the very low number of women who report violations of such provisions. It is also concerned about sexual harassment at work.

446. **The Committee recommends that the State party take further measures to overcome vertical and horizontal occupational segregation and to enhance its monitoring and effective enforcement of the legislative framework, including the Law on the Rights and Interests of Women, and to ensure that women have effective means of redress against the violation of labour laws, including the discriminatory dismissal of women based on gender. The Committee calls for measures to ensure that women receive equal pay for equal work and work of equal value, and equal social benefits and services. It encourages the State party to ensure that women workers are protected from hazardous working environments and that adequate sanctions are in place for discrimination against women in the employment field in both the public and private sectors, including sexual harassment.**

447. While noting that legal measures prohibiting sex-selective abortions and female infanticide and other measures are in place, such as the nationwide campaign, "Operation Caring for Girls", launched in 2006 and a system of incentives, the Committee remains concerned at the persistence of illegal practices of sex-selective abortion, female infanticide and the non-registration and abandonment of female children, and about forced abortions. The Committee is concerned about the impact of the adverse sex ratio, which may contribute to the increase in trafficking in women and girls.

448. **The Committee urges the State party to strengthen its monitoring of the implementation of existing laws against selective abortion and female infanticide and to enforce them through fair legal procedures that sanction officials acting in excess of their authority. It also urges the State party to investigate and prosecute the reports of abuse and violence against ethnic minority women by local family planning officials, including forced sterilization and forced abortion. The Committee recommends that the State party introduce mandatory gender-sensitivity training for family planning officials. It encourages the State party to continue to strengthen efforts to ensure that all girls are registered at birth, in particular in rural areas. It further recommends that the State party vigorously address the causes of son-preference, which remain strong in rural areas, and of the negative consequences of the one-child policy as regards the adverse sex ratio by expanding insurance systems and old-age pensions to the population at large, in particular in rural areas.**

449. While noting that the State party is also party to the 1951 Convention relating to the Status of Refugees, it is concerned at the lack of laws or regulations for the protection of women refugees and asylum-seekers. The Committee expresses particular concern at the situation of North Korean women, whose status remains precarious and who are particularly vulnerable to being or becoming victims of abuse, trafficking, forced marriage and virtual slavery.

450. **The Committee calls upon the State party to adopt laws and regulations relating to the status of refugees and asylum-seekers, in line with international standards, in order to ensure protection also for women. The Committee recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status in close cooperation with the Office of the United Nations High Commissioner for Refugees. It**

specifically encourages the State party to review the situation of North Korean women refugees and asylum-seekers in the State party and to ensure that they do not become victims of trafficking and marriage enslavement because of their status as illegal aliens.

Principal areas of concern and recommendations pertaining to the Hong Kong Special Administrative Region

451. While commending the efforts of the Government to protect women against violence, including the "zero tolerance on domestic violence" principle, the Committee expresses concern at the low prosecution rate of domestic violence in the Hong Kong Special Administrative Region.

452. **The Committee urges the Government of the Hong Kong Special Administrative Region to strengthen its efforts in combating all forms of violence against women, including domestic violence. It urges the Government to enhance women's access to justice, including by ensuring an effective response to complaints and carrying out more proactive investigations of complaints, and to improve gender-sensitivity training for judicial and law enforcement officials and health and social workers on violence against women. The Committee encourages the Government to re-establish the Hong Kong rape crisis centres so as to ensure that victims of sexual violence receive specific attention and counselling in full anonymity. The Committee recommends that the Government allocate sufficient resources to combat all forms of violence against women, including domestic violence, and to provide details about budget allocation in its next periodic report.**

453. The Committee expresses concern at the Small House Policy, under which only indigenous men, but not indigenous women, are entitled to apply for a permit to build a residence in the New Territories.

454. **The Committee urges the Government of the Hong Kong Special Administrative Region to repeal all discriminatory provisions from the Small House Policy and ensure that indigenous women have the same rights and access to property as indigenous men.**

455. While acknowledging that the established target of 25 per cent of women in advisory and consultative bodies has been reached by the Government of the Hong Kong Special Administrative Region, the Committee notes with concern the low level of political representation of women, including in the functional constituencies. The Committee is concerned that the electoral system of functional consistencies may constitute indirect discrimination against women, as it results in the unequal participation of women in political life.

456. **The Committee urges the Government of the Hong Kong Special Administrative Region to take temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 so as to increase women's representation in politics, including in the functional constituencies.**

457. The Committee is concerned about the situation of female foreign domestic workers who may be subject to double discrimination on the basis of their sex and ethnic background. The Committee is also concerned about the "Two-Week Rule", which requires foreign domestic workers to leave Hong Kong no later than two

weeks after the expiration or termination of their employment contract thus pushing foreign domestic workers to accept employment which may have unfair or abusive terms and conditions in order to stay in Hong Kong. It further raises concern at the reported abuse perpetrated by employment agencies against domestic workers, such as lower wages, fewer holidays and longer working hours than what is prescribed by law.

458. **The Committee recommends that the Government of the Hong Kong Special Administrative Region ensure that female foreign domestic workers are not discriminated against by their employers or subject to abuse and violence. It urges the Hong Kong Special Administrative Region to repeal the "Two-Week Rule" and to implement a more flexible policy regarding foreign domestic workers. It also calls upon the State party to strengthen its control of employment agencies and to provide migrant workers with easily accessible avenues of redress against abuse by employers and permit them to stay in the country while seeking redress. The Committee further urges the State party to make migrant workers aware of their rights so that they have access to justice and can claim their rights.**

459. The Committee expresses concern at the situation of women asylum-seekers and refugees in Hong Kong. It notes with concern the representative's statement that the Hong Kong Special Administrative Region has no intention of having the 1951 Convention Relating to the Status of Refugees extended to Hong Kong.

460. **The Committee calls on the State party to extend the 1951 Convention Relating to the Status of Refugees to Hong Kong so as to ensure that women asylum-seekers and refugees can fully benefit from its protection.**

Principal areas of concern and recommendations pertaining to the Macao Special Administrative Region

461. The Committee notes with concern the increase, in recent years, in the number of rape, procurement and domestic violence cases in the Macao Special Administrative Region. It also expresses concern at the absence of specific legislation to address sexual harassment in the workplace.

462. **The Committee urges the State party to give priority to putting in place preventive measures to address all forms of violence against women, in accordance with its general recommendation 19. It recommends that research be conducted on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention and to include the results in its next periodic report. It recommends that the Government of the Macao Special Administrative Region ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. Moreover, it encourages the State party to see to the provision of shelters and counselling services for victims of violence. The Committee furthermore urges the Government of the Macao Special Administrative Region to specifically include sexual harassment in the workplace in its legislation and to report on the implementation of such provisions in its next periodic report.**

463. The Committee is concerned at the lack of information on women's representation in public and political life in the Macao Special Administrative Region.

464. **The Committee requests the Government of the Macao Special Administrative Region to provide sufficient data and information on women in public and political arenas, disaggregated by sex, including information on temporary special measures under article 4.1 of the Convention and the Committee's general recommendation 25, in its next periodic report.**

465. The Committee notes with concern that women's non-governmental organizations have not been fully involved in the process of elaborating the report. As a result, the impact of the reporting process as an aspect of the holistic approach to the ongoing implementation of the Convention may be limited.

466. **The Committee calls upon the State party to strengthen the coordination with women's non-governmental organizations as a means to enhance the implementation of the provisions of the Convention, the follow-up to the concluding comments of the Committee and the preparation of future periodic reports under article 18 of the Convention.**

467. **The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.**

468. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

469. **The Committee also emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

470. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of China to consider ratifying the treaties to which it is not yet a party, namely, the International Covenant on Civil and Political Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

471. **The Committee requests the wide dissemination in China, the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general**

recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

472. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. It invites the State party to submit its seventh periodic report, due in September 2006, and its eighth periodic report, due in September 2010, in a combined report in 2010.**

Cuba

473. The Committee considered the combined fifth and sixth periodic report of Cuba (CEDAW/C/CUB/5-6) at its 739th and 740th meetings, on 8 August 2006 (see CEDAW/SR.739 and 740). The Committee's list of issues and questions is contained in CEDAW/C/CUB/Q/6 and the responses of Cuba are contained in CEDAW/C/CUB/Q/6/Add.1.

Introduction

474. The Committee expresses its appreciation to the State party for its combined fifth and sixth periodic report which followed the Committee's guidelines, and referred to previous concluding comments, while regretting that it was overdue. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

475. The Committee commends the State party for its high-level delegation headed by the Vice Minister of Foreign Affairs, and which included the Secretary General of the Federation of Cuban Women a member of the Council of State and representatives from the Ministry of Public Health, the Ministry of Labour and Social Security, the Federation of Cuban Women, the National Statistics Office and specialized institutions. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

476. The Committee notes that the effects of the embargo are reflected in the difficult economic and social situation prevailing in the country, which has had repercussions on women's enjoyment of their rights, in particular in the socio-economic field, impeding the full implementation of the Convention.

Positive aspects

477. The Committee welcomes the adoption of the Working Women's Maternity Act (Decree-Law No. 234) in 2003, aimed at strengthening the recognition of the responsibility of both parents in child rearing.

478. The Committee commends the State party for amending its Penal Code in regard to domestic violence, making it an aggravating factor when violence is perpetrated by a spouse or relative.

479. The Committee commends the State party for its efforts to evaluate and update the National Action Plan for follow-up to the Fourth World Conference on Women, through national follow-up seminars, aimed at ensuring that effective policies are in place to achieve the recognition of the human rights of women and gender equality.

480. The Committee notes with satisfaction the increased representation of women at all levels, including in Government bodies at the municipal, provincial and national levels. It also commends the high representation of women in Parliament.

481. The Committee welcomes the high percentage of women in employment and pursuing careers in the scientific and technical fields as an important achievement.

Principal areas of concern and recommendations

482. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

483. The Committee is concerned that, although articles 41 and 42 of the Constitution stipulate that all citizens have equal rights and that discrimination on the basis of sex is prohibited, no explicit definition of discrimination against women, in accordance with article 1 of the Convention, is contained in the State party's legislation.

484. **The Committee encourages the State party to incorporate fully the definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, in its Constitution or other appropriate national legislation. It encourages the State party to strengthen education and training programmes, in particular for judges, lawyers and law enforcement personnel, on the Convention and its applicability in domestic law and on the meaning and scope of indirect discrimination. The Committee also encourages the State party to strengthen awareness-raising and education measures to enhance women's knowledge of their rights and of the Convention.**

485. While noting that the minimum legal age of marriage is 18 years for both girls and boys, the Committee expresses concern that minimum ages of marriage of 14 for females and 16 for males may be authorized in exceptional cases.

486. **The Committee urges the State party to amend the legislation pertaining to age of marriage with a view to eliminating the exceptions that allow for marriage of females at age 14 and for males at 16 and to bring its legislation into line with article 1 of the Convention on the Rights of the Child, which defines a child as anyone under the age of 18 years, with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women and with general recommendation No. 21 of the Committee.**

487. While appreciating the reasons for the State party's designation of the Federation of Cuban Women, a non-governmental organization with significant experience in advocacy for and implementation of the human rights of Cuban women, as the national machinery for the advancement of women, the Committee is concerned that this institutional status may limit the authority and influence of the national machinery within the government structure and diminish the accountability of the State party with respect to the implementation of the Convention. The Committee is also concerned that the Federation's financial resources, which consist of membership fees and its economic activities, might be insufficient and as a result, limit the Federation's effective implementation of its functions in promoting women's enjoyment of their human rights and gender equality.

488. **The Committee reminds the State party of its responsibility to fully ensure Government accountability for respecting, protecting and fulfilling women's enjoyment of their human rights under the Convention. In this regard, the Committee refers to its general recommendation No. 6 on effective national machinery and publicity and the guidance provided in the Beijing Platform for Action on national machinery for the advancement of women. The Committee further recommends that the State party expeditiously review, and if necessary, strengthen the links between the Federation of Cuban Women and government agencies to ensure gender mainstreaming in all governmental policy areas, as well as to ensure provision of adequate financial resources so that the Federation can fully implement its mandate.**

489. While welcoming the State party's efforts to eliminate gender-based stereotypes including through the revision of textbooks, curricula and teaching methods, the Committee is concerned about the persistence and pervasiveness of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family. These stereotypes continue to undermine women's social status, constitute serious obstacles to women's enjoyment of their human rights, present a significant impediment to the implementation of the Convention and are a root cause for the persistence of violence against women.

490. **The Committee calls upon the State party to strengthen its efforts to combat the widespread acceptance of stereotypical roles of men and women, including through awareness-raising in the media and public education programmes, so as to ensure the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee recommends that effective measures be taken towards changing the culturally determined attitudes and behaviour that remain permissive of violence against women.**

491. While noting the introduction of provisions in the penal and family codes to address domestic violence, the Committee regrets that insufficient information was provided about the content of these provisions and their effective enforcement. It is not clear to the Committee whether the definition of violence included in the legislation is in line with the Committee's general recommendation No. 19 on violence against women. The Committee is further concerned about the lack of information regarding measures taken to implement the recommendations made by the Committee in the examination of the fourth periodic report, namely to increase

the availability of support measures for women victims of domestic violence, such as telephone help lines and shelters.[3]

492. **The Committee calls on the State party to review and clarify the content of the new provisions and definition of violence and to provide in its next periodic report detailed information about the measures taken to ensure their effective enforcement. The Committee reiterates its request to increase the availability of support measures for women victims of violence and to include information about the impact of these measures in its next periodic report.**

493. While noting recent efforts of the State party with respect to the tourism sector aimed at discouraging prostitution, the Committee is concerned about the absence of legal and other measures aimed at further discouraging the demand for prostitution. It is also concerned about the insufficient awareness of and information regarding the root causes that lead women, including educated women, into prostitution.

494. **The Committee calls on the State party to take all appropriate measures to suppress the exploitation of prostitution of women, including discouraging male demand for prostitution. It further urges the State party to increase its efforts to implement preventive education programmes and campaigns on prostitution for women and men, to enhance women's economic opportunities, and to conduct studies to identify the root causes that lead women into prostitution and take remedial measures. The Committee requests that the State party provide information and data on measures taken to combat this phenomenon, and their impact, in its next report.**

495. While welcoming the progress achieved in the participation of women in the public and political spheres, the Committee is concerned about the low representation of women at the local level and in the country's Foreign Service. It is also concerned about the State party's apparent limited understanding of the nature and purpose of temporary special measures and the reasons for their application in areas where gender disparities to the disadvantage of women persist.

496. **The Committee recommends the utilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25 of the Committee to accelerate the increase of women in elected and appointed bodies in all areas of public life, especially at the local level. Such measures should include clearly defined goals and time-bound targets, as well as the continuation of educational measures aimed at achieving a balanced representation of women and men at the local level, in the country's Foreign Service and at high levels of decision-making in government agencies and state bodies.**

497. The Committee lacks sufficient information regarding women's participation in the labour market that would enable it to assess whether they may face indirect discrimination in access to the various sectors of the economy, and the scope of such indirect discrimination. While recognizing the expansion of the traditional role of housewives through opportunities of voluntary work, the Committee is concerned about the insufficient information regarding the factors that lead to the high percentage of housewives and regarding the percentage of such women who are interested in entering paid employment. While noting the high percentage of women pursuing careers in the scientific and technical fields, the Committee expresses concern at the lack of data, and trends over time, regarding women's participation in

other occupational categories and sectors of the labour market, and the vertical and horizontal labour force segregation and wage levels disaggregated by sex.

498. **The Committee requests the State party to include detailed information and statistics about the number of women, compared to those of men, in occupational categories and sectors of the labour market, as well as the vertical and horizontal labour force segregation and wages disaggregated by sex, and over time. It calls on the State party to conduct studies to assess whether women, including housewives, face direct or indirect discrimination in accessing specific types of jobs and levels in the labour market. It invites the State party to include the results of such studies, including action taken in response to the findings, in its next periodic report.**

499. The Committee is concerned that, as a result of insufficient awareness about, and access to family planning and contraceptive methods, abortion may be used as a method of birth control and lead to multiple abortions during a woman's childbearing years. It regrets the lack of data about the incidence of abortion disaggregated by age and by rural and urban areas.

500. **The Committee calls on the State party to strengthen the implementation of programmes and policies aimed at providing effective access for women and men to family planning information and services and to affordable and quality contraceptive methods, and at raising awareness about the risks of abortion to women's health. It requests the State party to provide comprehensive information about the scope and impact of the measures taken, as well as data on the incidence of abortion disaggregated by age, by rural and urban areas, and reflecting trends over time, in its next periodic report.**

501. The Committee expresses concern about the low percentage of women that own land in the rural areas and their limited access to credit and training.

502. **The Committee recommends that the State party pay special attention to the situation of rural women so as to enhance compliance with article 14 of the Convention. In particular, the Committee calls upon the State party to ensure that women in the rural areas have effective access to, and control over, land and to credit facilities and training opportunities.**

503. **The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

504. **The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

505. **The Committee emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

506. **The Committee notes that States' adherence to the seven major international human rights instruments[1] enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Cuba to consider ratifying the treaties to which it is not yet a party, namely, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

507. **The Committee requests the wide dissemination in Cuba of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

508. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in September 2006, and its eighth periodic report, due in September 2010, in a combined report in 2010.**

Philippines

509. The Committee considered the combined fifth and sixth periodic report of the Philippines (CEDAW/C/PHI/5-6) at its 747th and 748th meetings, on 15 August 2006 (see CEDAW/C/SR.747 and 748). The Committee's list of issues and questions is contained in CEDAW/C/PHI/Q/6, and the responses of the Philippines are contained in CEDAW/C/PHI/Q/6/Add.1.

Introduction

510. The Committee expresses its appreciation to the State party for its combined fifth and sixth periodic report, which, although overdue, was in compliance with the Committee's guidelines for the preparation of periodic reports and was candid and informative. The Committee commends the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

511. The Committee commends the State party for its high-level delegation, headed by the Secretary of the Department of Social Welfare and Development, which included the Chairperson of the National Commission on the Role of Filipino Women and representatives of the Department of Health and the Department of Labour and Employment. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

512. The Committee congratulates the State party on having ratified the Optional Protocol to the Convention in November 2003 and on having accepted the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee, also in November 2003.

513. The Committee notes with appreciation the adoption of laws which contribute to the enhanced implementation of the Convention. They include the Anti-Trafficking in Persons Act of 2003, the Anti-Violence against Women and Their Children Act of 2004, the Family Courts Act of 1997, the Rape Victims Assistance Act of 1998, the Indigenous People's Rights Act of 1997 and the Social Reform and Poverty Alleviation Act of 1997.

514. The Committee welcomes the Philippine Plan for Gender-Responsive Development 1995-2025, which intends to translate the Convention and the Beijing Platform for Action into policies, strategies, programmes and projects for Filipino women.

515. The Committee commends the State party for providing pre-departure information and support services to overseas Filipino workers who migrate on a legal basis.

Principal areas of concern and recommendations

516. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention until the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Congress so as to ensure their full implementation.**

517. The Committee notes with regret that it did not receive a fully satisfactory explanation regarding the status of the Convention in the national legal system. The Committee is also concerned that there is no definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination, in national legislation.

518. **The Committee requests the State party to clarify, in its next periodic report, the status of the Convention in the national legal system, including which provisions would prevail in case of a conflict between the Convention and a national law. The Committee urges the State party to ensure that the Convention becomes fully applicable in the national legal system, and that a definition of discrimination in line with article 1 of the Convention is included in national law.**

519. While the Convention has been in force in the State party for 25 years, the Committee notes with great concern the lack of progress in undertaking and completing necessary revisions of discriminatory provisions in national legislation and in enacting a comprehensive legal framework pertaining to gender equality. In particular, the Committee is concerned that the Magna Carta for Women Bill, the

Marital Infidelity Bill and several other bills aimed at amending the Family Code, the Civil Code and the Revised Penal Code are still pending. The Committee is particularly concerned about existing discriminatory provisions of the Code of Muslim Personal Laws, which permit marriage of girls under the age of 18, polygamy and arranged marriages.

520. **The Committee urges the State party to give high priority to strengthening the legal framework for the promotion of gender equality and women's enjoyment of their human rights and, to that end, to expedite the adoption of pending bills in order to promptly bring the relevant national laws into line with the Convention. The Committee recommends that the State party undertake a systematic review of all legislation and initiate all necessary revisions so as to achieve full compliance with the provisions of the Convention. It also encourages the State party to intensify dialogue with the Muslim community in order to remove discriminatory provisions from the Code of Muslim Personal Laws. The Committee also calls upon the State party to increase its efforts to sensitize parliamentarians and public opinion regarding the importance of these reforms.**

521. While recognizing the efforts of the State party to integrate a gender perspective into all fields and to collect statistical data for gender and development indicators, the Committee is concerned that the national machinery for the advancement of women, i.e., the National Commission on the Role of Filipino Women, lacks the necessary institutional authority, capacity and resources to effectively promote implementation of the Convention and support gender mainstreaming across all sectors and levels of Government to bring about equality for women and men in all fields.

522. **The Committee calls on the State party to give urgent priority to the strengthening of the national machinery for the advancement of women and to provide it with the authority, decision-making power and human and financial resources that are necessary to work effectively for the promotion of gender equality and the enjoyment of women's human rights. The Committee recommends that the national machinery take a more proactive role in the formulation of laws, policies and programmes for the effective implementation of the Convention, as well as in monitoring the Philippine Plan for Gender-Responsive Development and the use of the gender mainstreaming strategy in all sectoral departments to realize the equality of women with men.**

523. While welcoming the establishment of family courts in major cities all over the country to foster an active approach to protecting the rights of women and children against domestic violence and incest, the Committee remains concerned about the prevalence of violence against women. The Committee notes with appreciation the Anti-Rape Law of 1997, which redefines and expands rape from a crime against chastity to a crime against the person and implicitly recognizes marital rape. However, the Committee is concerned that the subsequent possibility for the wife, as the offended party, to forgive the crime extinguishes the criminal dimension of the action and the consequent severity of the penalty.

524. **The Committee recommends that the State party undertake measures to increase awareness of all forms of violence against women, including domestic violence, marital rape and incest, and the unacceptability of all such violence. It recommends that the Anti-Rape Law of 1997 be reviewed with a view to**

repealing the provision pertaining to the extinguishing of the criminal action. It calls on the State party to enhance data collection on various forms of violence against women, especially domestic violence. It urges the State party to conduct research on the prevalence, causes and consequences of domestic violence to serve as the basis for comprehensive and targeted intervention and to include the results of such research in its next periodic report.

525. The Committee notes with concern the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of violence against women, as well as of the disadvantaged position of women in a number of areas, including in all sectors of the labour market and in political and public life.

526. **The Committee recommends that the State party take measures to bring about changes in traditional patriarchal attitudes and in gender-role stereotyping. Such measures should include awareness-raising and public educational campaigns addressing women and girls, as well as, in particular, men and boys, and religious leaders with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention.**

527. While welcoming the Anti-Trafficking in Persons Act of 2003, the Committee notes with concern that trafficking in women and girls and the exploitation of prostitution continue to thrive in the Philippines, owing to the poverty of women and girls. The Committee is also concerned about the low rates of prosecution and conviction of traffickers and those who exploit the prostitution of women.

528. **The Committee recommends that the State party further strengthen bilateral, regional and international cooperation with countries of origin, transit and destination so as to address trafficking in women more effectively. It urges the State party to pursue a holistic approach aimed at addressing the root causes of trafficking and improving prevention. Such efforts should include measures to improve the economic situation of women and girls and to provide them with educational and economic opportunities, thereby reducing and eliminating their vulnerability to exploitation and traffickers. The Committee further calls on the State party to take appropriate measures to suppress the exploitation of prostitution of women, including through the discouragement of the demand for prostitution. It should also facilitate the reintegration of prostitutes into society and provide rehabilitation, social integration and economic empowerment programmes to women and girls who are victims of exploitation and trafficking. The Committee recommends that the State party provide financial support to non-governmental organizations, including religious non-governmental organizations, which run shelters and drop-in centres for the rehabilitation of women and girls in prostitution. The Committee urges the State party to prosecute and punish traffickers and those who exploit the prostitution of women, and provide protection to victims of trafficking. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls and the exploitation of prostitution and on the impact of the various measures undertaken in that regard.**

529. While commending the conclusion of bilateral agreements and the memorandums of understanding on migrant workers' rights with some countries and regions, and the programme of pre-departure and support services for overseas Filipino workers, the Committee remains concerned at the continued feminization of migration. It also remains concerned that bilateral agreements and memorandums of understanding do not exist with all countries and regions to which Filipino women migrate, and that women workers who migrate to other countries and regions in search of work opportunities through informal channels remain vulnerable to becoming victims of various forms of exploitation, violence and trafficking.

530. **The Committee urges the State party to continue conducting bilateral agreements and memorandums of understanding with countries and regions to which Filipino women migrate in search of work. In addition, it requests the State party to develop policies and measures to protect women migrant workers who go abroad through informal channels from all forms of violations of their rights. The Committee also encourages the State party to take a coherent and comprehensive approach to addressing the root causes of women's migration, including through the creation of conditions necessary for sustainable development and of safe and protected jobs for women as a viable economic alternative to migration or unemployment.**

531. While acknowledging that the President, five Supreme Court justices, 17 appellate court justices and two justices in the Court of Tax Appeals in the Philippines are women, the Committee is concerned about the low level of participation of women in elected and public bodies.

532. **The Committee calls upon the State party to establish concrete goals and timetables and to take sustained measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to accelerate women's equal participation in political and public life and ensure that the representation of women in political and public bodies reflects the full diversity of the population, particularly indigenous women and Muslim women. The Committee recommends that the State party implement training programmes and awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making. It also calls on the State party to monitor the impact of measures taken, track trends over time, take necessary corrective measures and provide in its next report detailed information about results achieved.**

533. The Committee expresses its concern about the possible adverse impact that trade liberalization may have on the living and working conditions of Filipino women, especially in rural areas. The Committee notes with concern the high unemployment rate among women and the gender wage gap. It is also concerned at the overrepresentation of women in the informal economy, which negatively affects their eligibility for social security and health care.

534. **The Committee requests the State party to evaluate the impact of the free trade agreements on the socio-economic conditions of women and to address the high unemployment rate of women by creating new sustainable employment opportunities for those affected. The Committee urges the State party to adopt effective measures in the formal labour market to eliminate occupational**

segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. It also encourages the State party to take measures that enhance the situation of women in the informal economy. It invites the State party to monitor the impact of measures taken and trends over time and to report to the Committee on results achieved in its next report.

535. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in the Philippines. The Committee is concerned at the high maternal mortality rates, particularly the number of deaths resulting from induced abortions, high fertility rates, inadequate family planning services, the low rates of contraceptive use and the difficulties of obtaining contraceptives. It is also concerned about the lack of sex education, especially in rural areas. It is concerned at the high rate of teenage pregnancies, which present a significant obstacle to girls' educational opportunities and economic empowerment.

536. **The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives more widely available and without any restriction and by increasing knowledge and awareness about family planning. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide sex education, targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who have abortions and provide them with access to quality services for the management of complications arising from unsafe abortions and to reduce women's maternal mortality rates in accordance with the Committee's general recommendation 24 on women and health and the Beijing Declaration and Platform for Action.**

537. The Committee expresses its concern about the precarious situation of rural and indigenous women, as well as the Muslim women in the autonomous region of Muslim Mindanao, who lack access to adequate health services, education, clean water and sanitation services and credit facilities. The Committee is also concerned about women's limited access to justice in cases of violence, especially in the conflict zones, and the lack of sanctions against the perpetrators of such violence. The Committee is furthermore concerned that the practice of early marriage is persistent among Muslim women.

538. **The Committee calls upon the State party to pay special attention to the needs of rural women, indigenous women and Muslim women living in the autonomous region of Muslim Mindanao, ensuring that they have access to health care, social security, education, clean water and sanitation services, fertile land, income-generation opportunities and participation in decision-making processes. The Committee recommends that the State party ensure women's access to justice through the provision of legal aid and take steps to prosecute the perpetrators of violence against them. It also encourages the State party to provide increased educational opportunities to Muslim girls to**

discourage early marriages. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural, indigenous and Muslim women, and on the impact of measures taken and results achieved with policies and programmes implemented for these groups of women.

539. The Committee expresses its concern about the lack of a law on divorce, making it impossible for women to obtain legal divorce.

540. **The Committee urges the State party to introduce and support vigorously legislation which permits divorce, allows women to remarry after divorce, and grants women and men the same rights to administer property during marriage and equal rights to property on divorce. It also recommends that women be granted the right to initiate divorce on the same terms as men.**

541. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

542. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

543. **The Committee commends the State party for having ratified the seven major international human rights instruments.[1] The Committee notes that the State party's adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

544. **The Committee requests the wide dissemination in the Philippines of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

545. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in September 2006, and its eighth periodic report, which is due in September 2010, in a combined report in September 2010.**

9. Sixth periodic report

Denmark

546. The Committee considered the sixth periodic report of Denmark (CEDAW/C/DEN/6 and Corr.1) at its 741st and 742nd meetings, on 9 August 2006 (CEDAW/C/SR.741 and 742). The Committee's list of issues and questions is contained in CEDAW/C/DEN/Q/6 and the responses of Denmark are contained in CEDAW/C/DEN/Q/6/Add.1.

Introduction

547. The Committee expresses its appreciation to the State party for its sixth periodic report, which follows the Committee's guidelines for the preparation of periodic reports and takes into account the Committee's previous concluding comments. The Committee regrets, however, that the report fails to provide sufficient information on the impact of studies and reports on legislative initiatives and political action.

548. The Committee commends the State party for submitting all its reports under article 18 of the Convention on time and for its dialogue with non-governmental organizations. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and clarification in response to questions posed by Committee members.

549. The Committee expresses appreciation for the inclusion of representatives from the Faroe Islands and Greenland in the delegation.

Positive aspects

550. The Committee commends the State party for its two-pronged approach to gender equality work that has included sustained and prioritized efforts at gender mainstreaming, including through the development of tools to assess bills, budgets, campaigns and statistics from a gender perspective, supplemented by special initiatives in key areas of concern to women requiring Government attention.

551. The Committee commends the State party for being among the first countries in the world to elaborate an action plan in 2005 on the implementation of Security Council resolution 1325 (2000) on women and peace and security, with direct relevance to article 3, article 4, paragraph 1, and article 7 of the Convention.

552. The Committee welcomes the code of conduct elaborated in 2004 by the Ministry of Defence, which guides personnel who participate in international operations as to how they should relate to and observe the special rules and customs that apply in the countries concerned.

553. The Committee commends the State party for integrating a gender dimension into its development cooperation programmes and using the Committee's concluding comments in its decision-making processes in this area.

Principal areas of concern and recommendations

554. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee**

views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention until the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

555. Noting that under home rule Danish legislation on gender equality is not applicable in the Faroe Islands and Greenland and that the Convention's provisions and rights have not been fully incorporated in those territories, the Committee is concerned that the State party has not ensured that the Governments of the two territories enact legal and other measures to fully implement the Convention in a manner consistent with Danish legislation. The Committee regrets that information in the report about the situation of women in the Faroe Islands and Greenland is still too limited.

556. **The Committee recommends to the State party that it guarantee uniformity of results in the full implementation of the Convention throughout the entire country, through effective coordination and the establishment of a mechanism to monitor consistent compliance with the provisions of the Convention at all levels. The Committee urges the State party to include detailed information on the implementation of all provisions of and rights under the Convention in the Faroe Islands and Greenland in its next periodic report.**

557. The Committee expresses concern that, although temporary special measures are provided for in some legislation, they are not systematically employed as a method of accelerating the achievement of de facto or substantive equality between women and men in all areas of the Convention.

558. **The Committee encourages the State party to employ and effectively implement temporary special measures in accordance with article 4, paragraph 1, of the Convention, and with the Committee's general recommendation 25, in order to accelerate the realization of women's de facto equality with men in all areas. It also recommends that the State party include in its gender equality legislation provisions to encourage the use of temporary special measures, in both the public and private sectors.**

559. While acknowledging women's continued high level of participation in the labour market and measures taken by the State party in support of such participation by enabling both women and men to reconcile work and family life through extended maternity and parental leave schemes, the Committee remains concerned about significant occupational segregation, the persistence of the wage gap, as well as the low representation of women in top management positions and on boards of private companies.

560. **The Committee urges the State party to adopt policies and concrete measures to accelerate the eradication of employment discrimination against women and to work towards ensuring de facto equal opportunities at all levels for women and men in the labour market, to monitor trends and take necessary corrective steps. The Committee also urges the State party to increase incentives for men to use their right to parental leave. The Committee further**

urges the State party to ensure that job evaluation systems based on gender-sensitive criteria be developed with the aim of closing the existing wage gap between women and men. It also requests that the State party monitor any developments with regard to women's participation in top management positions with a view to further supporting such participation through legislative or policy initiatives.

561. While commending the State party for having continued to achieve strong representation of women in decision-making in the Danish Parliament, the Committee expresses concern that women's representation remains significantly lower at the local level. The Committee is also concerned by the low participation of women in political decision-making positions in the Faroe Islands.

562. **The Committee urges the State party to take measures to increase the representation of women in decision-making positions throughout the entire country, including in the municipalities and counties, through awareness-raising campaigns targeted at women and men and the use of temporary special measures. It also recommends that such measures be regularly monitored and evaluated and effective corrective measures taken.**

563. The Committee remains concerned at the low number of women in academia, as professors, senior lecturers and researchers.

564. **The Committee urges the State party to adopt policies to increase the number of women in academia and to encourage and monitor the implementation of the recommendations of the think tank "All talents in use — more women in research", which are directed both at universities and politicians.**

565. While commending the State party for the scope of its efforts to eliminate violence against women since the submission of its last periodic report, including the adoption of two national action plans, introducing increasing penalties for rape, amending the Criminal Code concerning female genital mutilation so that Danish nationals and residents of Denmark who perform or assist in performing female genital mutilation abroad can be brought to justice and the passage of an act that introduces the option of removing a violent spouse or partner from the home, the Committee is concerned about the extent of violence against women and girls.

566. **The Committee calls upon the State party to continue to address the issue of violence against women as an infringement of their human rights. In particular, the Committee urges the State party to take substantial and sustained measures to allocate sufficient financial resources, including for sufficient numbers of shelters for women victims of violence, to undertake research on all forms of violence against women and to implement policies in accordance with the Committee's general recommendation 19, in order to prevent such violence, provide protection, support and services to the victims and punish and rehabilitate offenders.**

567. While commending the State party for ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the many other measures taken to address the issue of trafficking in women, including through the implementation of an action plan and international cooperation, the Committee continues to be concerned about the trafficking of

women and girls into Denmark. It is concerned that insufficient data on the prevalence of trafficked women and girls was provided to the Committee. It is also concerned about the vulnerability of trafficked women, who after a so-called "reflection period" that has been prolonged to 30 days, are deported to their countries of origin unless an exception is made. The Committee is concerned that this period of time is insufficient for the women victims to recover from their ordeal and prepare for re-entry to their countries of origin.

568. **The Committee requests the State party to intensify its efforts to combat trafficking in women, including measures to prevent trafficking, minimize the demand for prostitution, improve the collection of data and services for trafficked women and to penalize those who facilitate such trafficking. The Committee further requests the State party to consider further prolonging the above-mentioned "reflection period" for trafficked women to remain in Denmark.**

569. The Committee regrets the very limited data with regard to the exploitation of prostitution. It is particularly concerned by the absence of information on efforts to prevent women from entering into prostitution, address the demand for prostitution and support women who wish to discontinue their lives in prostitution.

570. **The Committee urges the State party to include in its statistical material sex-disaggregated data and information on the exploitation of prostitution, and to include that data and information in its next periodic report. The Committee also urges the State party to increase the attention that it gives to the exploitation of prostitution and to formulate strategies and programmes to discourage the demand for prostitution, prevent women from entering prostitution and establish programmes of rehabilitation and support for women and girls who wish to discontinue their lives in prostitution.**

571. While noting the measures taken with the aim of enhancing integration of minority women into Danish society and the labour market as well as combating violence perpetrated against them, such as special adult education courses in Danish with gender equality as a theme, a 24-hour hotline that offers interpretation services, an information campaign focusing on women's rights in relation to children and divorce, violence and financial conditions, and the establishment of networks, the Committee continues to be concerned about the human rights situation of those women with respect to access to education, employment and health care and exposure to violence. The Committee is also concerned by the fact that most women who are HIV-positive are foreign-born minority women.

572. **The Committee urges the State party to intensify its efforts to eliminate discrimination against minority women. It encourages the State party to be proactive in its measures to prevent discrimination against those women, both within their communities and in society at large, to combat violence against them, and to increase their awareness of the availability of social services and legal remedies as well as to familiarize them with their rights to gender equality and non-discrimination. The Committee recommends that foreign women's health needs, in particular as regards information on preventing and addressing HIV infection, be fully addressed. The Committee also urges the State party to conduct regular and comprehensive studies on discrimination against minority women and to collect statistics on their situation in**

employment, education and health and on all forms of violence that they may experience, and submit such information in its next periodic report.

573. The Committee continues to be concerned by the situation of foreign married women with temporary residence permits issued on the grounds of marriage and who risk expulsion if they leave the marital home because of spousal violence. The Committee is concerned at the difficulties that such women face in meeting the criteria for obtaining residency in their own right, and that their fear of expulsion is a deterrent to their seeking assistance or taking steps to seek separation or divorce.

574. **The Committee recommends that the State party review its administrative practice without delay and reconsider the residency requirements for foreign married women who have been exposed to spousal violence.**

575. While noting the State party's action plan to counter forced marriages and arranged marriages launched in 2003 with initiatives that include dialogue and cooperation, counselling and research, the Committee is concerned by the consequences the legislation that increased the minimum age requirement from 18 to 24 years of age for spousal reunification may have for women. The Committee notes the absence of statistics on the incidence of forced marriage.

576. **The Committee recommends that the State party undertake an assessment of the consequences on women of the increase in the age limit for family reunification with spouses, and to continue to explore other ways of combating forced marriages.**

577. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

578. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

579. **The Committee notes that States' adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the State party to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

580. **The Committee requests the wide dissemination in Denmark, including the Faroe Islands and Greenland, of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional**

Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

581. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in May 2008.**

Mexico

582. The Committee considered the sixth periodic report of Mexico (CEDAW/C/MEX/6) at its 751st and 752nd meetings, on 17 August 2006 (see CEDAW/SR.751 and 752). The Committee's list of issues and questions is contained in CEDAW/C/MEX/Q/6, and the responses of Mexico are contained in CEDAW/C/MEX/Q/6/Add.1.

Introduction

583. The Committee commends the State party for its sixth periodic report, which followed the Committee's guidelines and referred to previous concluding comments and the Committee's general recommendations. The Committee expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

584. The Committee commends the State party for its large, high-level delegation, headed by the President of the National Institute for Women, which included representatives from the judicial and legislative branches; the ministries of foreign affairs, labour and social security, health, education and public security; and specialized institutions. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

585. The Committee commends the State party for the adoption of the General Act on Equality between Women and Men in 2006.

586. The Committee commends the State party for the reinforcement of the National Institute for Women as its national machinery for the advancement of women and notes with appreciation the elevation of its head to the ministerial level, as well as the availability of more financial and human resources and the Institute's increased influence at the federal, State and municipal levels.

587. The Committee welcomes the development of the State gender indicator system.

Principal areas of concern and recommendations

588. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding**

comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to parliament so as to ensure their full implementation.

589. The Committee notes with concern the lack of consistent harmonization of legislation and other regulations at the federal, State and municipal levels with the Convention, which results in the persistence of discriminatory laws in several States and obstructs the effective implementation of the Convention. The Committee regrets the insufficient explanation provided about mechanisms in place to ensure that states comply with federal laws and international human rights treaties to which Mexico is party, as well as about measures taken in cases where states and municipalities do not adopt the necessary legislative reforms to ensure compliance.

590. **The Committee urges the State party to give high priority to the harmonization of legislation and regulations with the Convention at the federal, state and municipal levels, including by revising existing discriminatory provisions, so as to ensure that all legislation is in full compliance with article 2 and other relevant provisions of the Convention. The Committee calls on the State party to put in place an effective mechanism to ensure and monitor this harmonization process. It recommends that the State party undertake measures to raise awareness about the Convention and the Committee's general recommendations aimed, inter alia, at parliamentarians, government officials, the judiciary and the legal profession at the federal, state and municipal levels.**

591. While noting the adoption of the General Act on Equality between Women and Men, aimed at establishing a mandatory link between the federal and the state level in the formulation of policies and legal provisions, the Committee is concerned that insufficient mechanisms exist to coordinate and ensure interaction in this process with states and municipalities. The Committee is concerned that the absence of such a coordination mechanism might obstruct the federal/state initiatives aimed at guaranteeing women's enjoyment of their human rights and result in a fragmentation of efforts. While the Committee welcomes the fact that the National Commission on Human Rights has been designated as the mechanism in charge of monitoring and evaluating the General Act on Equality between Women and Men, it is concerned that that institutions may not have the necessary gender expertise and human and financial resources to carry out this function.

592. **The Committee calls on the State party to put in place coordination and monitoring mechanisms to ensure the effective harmonization and implementation of gender equality programmes and policies, as well as enforcement of the General Act on Equality between Women and Men at the federal, state and municipal levels. The Committee recommends that the State party ensure that the National Commission on Human Rights is provided with the necessary financial resources and personnel well trained in gender equality issues to effectively fulfil its function in regard to monitoring and evaluating the General Act on Equality between Women and Men.**

593. The Committee is concerned about the delays in the adoption of pending draft legislation and amendments to existing laws which are critical to ensure women's enjoyment of their human rights and the elimination of discrimination.

594. **The Committee urges the State party to accelerate the adoption of amendments and of pending draft legislation, with concrete timetables. The Committee recommends that the State party put in place an effective strategy with clear priorities to guarantee continuity of efforts aimed at ensuring respect for the enjoyment by women of their human rights.**

595. The Committee remains concerned about the pervasiveness of patriarchal attitudes which impede the enjoyment by women of their human rights and constitute a root cause of violence against women. The Committee expresses concern about the general environment of discrimination and insecurity that prevails in communities; workplaces, including maquila factories; and territories with a military presence, such as the northern and southern border areas, which might put women at constant risk of becoming victims of violence, abuse and sexual harassment. While welcoming the efforts undertaken by the State party, the Committee is concerned about the persistence of the widespread and systematic violence against women, including homicides and disappearances, and in particular about the acts of violence committed by public authorities against women in San Salvador Atenco, State of Mexico.

596. **In the light of its general recommendation 19, the Committee urges the State party to take without delay all necessary measures to eliminate violence against women by any person, organization or enterprise, as well as violence committed by, or resulting from, actions or omissions by State agents, at all levels. The Committee urges the State party to accelerate the adoption of the amendment of the Penal Code to define the specific crime of femicide, and to proceed with the speedy adoption of the proposed General Act on Access of Women to a Life without Violence. It recommends that the State party implement a comprehensive strategy that includes prevention efforts involving the media and public education programmes aimed at changing social, cultural and traditional attitudes that are root causes of, and perpetuate, violence against women. It calls on the State party to enhance victims' access to justice and ensure that effective punishment of perpetrators is consistently imposed and that victims can benefit from protection programmes. The Committee requests the State party to put in place effective monitoring mechanisms and to assess regularly the impact of all its strategies and measures taken. It further calls on the State party to guarantee that the Special Prosecutor for Offences related to Acts of Violence against Women has the required authority, as well as the necessary human and financial resources, to empower her to effectively fulfil her mandate in an independent and impartial manner. The Committee requests the State party to ensure that the Special Prosecutor is given jurisdiction over the case of crimes in San Salvador Atenco so as to ensure the prosecution and punishment of perpetrators. It recommends that the State party provide the necessary economic, social and psychological assistance to the victims of these crimes.**

597. While noting with appreciation the commitment and efforts of the State party to address the cases of violence against women in Ciudad Juárez, the Committee remains concerned that crimes against and disappearances of women continue, and that those efforts are insufficient to successfully complete investigations of cases and prosecute and punish the perpetrators as well as to provide access to justice, protection and compensation to victims and their families. It is especially concerned that those efforts have so far failed to prevent further crimes from being committed.

598. **The Committee reiterates its recommendations made to the State party in relation to its inquiry undertaken under article 8 of the Optional Protocol (CEDAW/C/2005/OP.8/MEXICO) and urges the State party to strengthen efforts to implement them fully. It requests the State party to establish concrete monitoring mechanisms to systematically assess progress in the implementation of those recommendations and, in particular, progress in efforts aimed at the prevention of such crimes.**

599. The Committee notes with concern that, while the Convention refers to the concept of equality, the term "equity" is used in the State party's plans and programmes. It is also concerned about the State party's understanding of equity as a preliminary step towards equality.

600. **The Committee requests the State party to take note that the terms "equity" and "equality" convey different messages, and their simultaneous use can lead to conceptual confusion. The Convention is directed towards eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee recommends the State party to consistently use the term "equality" in its plans and programmes.**

601. The Committee is concerned that neither the report nor the constructive dialogue provided a clear picture of the extent to which gender perspectives have effectively been mainstreamed in all national policies, including the National Development Plan 2001-2006 and the Plan Contigo, aimed at eradicating poverty. The Committee is also concerned about the lack of clarity about the linkages between these plans and the National Programme for Equality of Opportunities and Non-Discrimination against Women. The Committee regrets that insufficient information was provided about the gender-specific impact on women of macroeconomic policies, in particular about the effects of regional trade agreements such as the Puebla Panama Plan and the North American Free Trade Agreement.

602. **The Committee urges the State party to put in place an effective strategy for mainstreaming gender perspectives into all national plans and to strengthen the linkages between the national plans for development and poverty eradication and the National Programme for Equality of Opportunities and Non-Discrimination against Women with a view to ensuring the effective implementation of all the provisions of the Convention. The Committee requests the State party to include information about the effects of macroeconomic policies, including the regional trade agreements, on women, particularly on women living in rural areas and employed in agricultural activities, in its next periodic report.**

603. The Committee is concerned that the purpose of temporary special measures, as called for under article 4, paragraph 1, of the Convention, may not be properly understood in the State party, leading to a lack of use of such measures.

604. **The Committee recommends that the State party, in its policies and programmes, clearly distinguish between general social and economic policies and programmes that benefit women and temporary special measures under article 4, paragraph 1, of the Convention, which are necessary to accelerate the achievement of substantive equality for women in various areas, as clarified by the Committee in its general recommendation 25. It also encourages the State**

party to strengthen the application of temporary special measures to accelerate substantive equality between women and men.

605. While welcoming the programmatic and legal measures taken by the State party to combat trafficking, including the drafting of the proposed Act on the Prevention and Punishment of Trafficking, the establishment of binational and regional cooperation agreements and the creation of a sub-group on human trafficking among federal agencies, the Committee is concerned about the lack of uniformity in criminalizing trafficking at the level of the states, the absence of comprehensive protection and rehabilitation programmes for victims and the insufficiency of data and statistics on the incidence of trafficking and information on the impact of measures taken. The Committee is also concerned about the State party's lack of attention and efforts to address the incidence of internal trafficking.

606. **The Committee urges the State party to intensify its efforts to combat trafficking in women and girls, including through the speedy adoption of the bill to prevent and punish human trafficking and the establishment of a concrete timetable for the harmonization of laws at the State level to criminalize trafficking in line with relevant international instruments. It urges the State party to study the phenomenon of internal trafficking, including its scope, causes, consequences and purposes, and systematically compile information with a view to formulating a comprehensive strategy that includes measures of prevention, prosecution and punishment of offenders, as well as measures to rehabilitate victims and reintegrate them into society. It also recommends that the State party conduct nationwide awareness-raising campaigns on the risks and consequences of trafficking targeted at women and girls, and train law enforcement, migration and border police officials on the causes, consequences and incidence of trafficking in women and girls and different forms of exploitation. It urges the State party to carefully monitor the impact of measures taken and provide information on the results achieved in its next periodic report.**

607. The Committee is concerned about the exploitation of prostitution of women and girls, in particular about the increase of child pornography and child prostitution. It is also concerned about the lack of measures to discourage the demand for prostitution and of rehabilitation programmes for women involved in prostitution. It regrets that insufficient information was provided on the root causes of prostitution as well as on measures to address them.

608. **The Committee urges the State party to take all appropriate measures, including the adoption and implementation of a comprehensive plan to suppress the exploitation of prostitution of women and girls, child pornography and child prostitution, through, inter alia, the strengthening of prevention measures, discouraging the demand for prostitution and taking measures to rehabilitate victims of exploitation. The Committee requests the State party to include in its next periodic report a comprehensive assessment of the extent of prostitution and its root causes. Such information should be disaggregated by age and geographical areas, and also include information on the impact of measures taken and of results achieved.**

609. While recognizing the efforts made to increase the representation of women in public administration, the Committee notes with concern the small number of

women in decision-making positions, in particular at the municipal level and in the foreign service.

610. **The Committee recommends that the State party strengthen measures to increase the number of women in decision-making positions at all levels and in all areas, in the light of its general recommendation 23, on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, to accelerate efforts to promote women to positions of leadership, including in the foreign service.**

611. The Committee reiterates its concern about the situation of women's labour rights in the maquiladora industries, including lack of access to social security and the persistence of discriminatory practices such as pregnancy tests.

612. **The Committee calls upon the State party to bring its labour legislation fully into compliance with article 11 of the Convention and to accelerate the adoption of the amendment of the Federal Labour Act to eliminate the pregnancy-test requirements. It urges the State party to strengthen the work of the general labour inspection directorate so that the working conditions of women are effectively monitored, violators of the rights of women in the maquiladora industries are punished and women workers' access to justice is enhanced. It recommends that the State party include information about the impact of measures taken and results achieved in its next report.**

613. The Committee remains concerned about the level of maternal mortality rates, particularly those of indigenous women, which are a consequence of the insufficient coverage of, and access to, health services, including sexual and reproductive health care. The Committee notes with concern that abortion remains one of the leading causes of maternal deaths and that, in spite of the legalization of abortion in specific cases, women do not have access to safe abortion services and to a wide range of contraceptive measures, including emergency contraception. The Committee is also concerned about the insufficient efforts to prevent teenage pregnancies.

614. **The Committee urges the State party to expand the coverage of health services, including reproductive health care and family planning services, and to address the obstacles that prevent women from having access to such services. The Committee also recommends that sex education be widely promoted and provided, targeting men and women and adolescent boys and girls. The Committee requests the State party to harmonize legislation pertaining to abortion at the federal and state levels. The Committee urges the State party to implement a comprehensive strategy which should include the provision of effective access to safe abortion in situations provided for under the law and a wide range of contraceptive measures, including emergency contraception, measures to raise awareness about the risks of unsafe abortions and nationwide sensitization campaigns about women's human rights, targeting in particular health personnel, as well as the general public.**

615. While welcoming the establishment of the National Commission for the Development of Indigenous Peoples, the Committee is concerned about the higher levels of poverty and illiteracy and multiple forms of discrimination experienced by indigenous and rural women. The Committee is concerned about the large disparities between them and women in urban areas and from non-indigenous

groups in access to basic social services, including education and health, and participation in decision-making processes.

616. **The Committee urges the State party to ensure that all poverty eradication policies and programmes explicitly address the structural nature and various dimensions of poverty and discrimination that indigenous and rural women face. It recommends that the State party use temporary special measures to address the disparities that indigenous and rural women face with regard to access to basic social services, including education and health, and participation in decision-making processes. The Committee requests the State party to include in its next periodic report comprehensive information on the measures taken and their impact, accompanied by data disaggregated by urban and rural areas, by states and by indigenous populations.**

617. While welcoming the development of a State gender indicator system and the availability of extensive data series disaggregated by sex, the Committee regrets the insufficient analysis of these data and statistics in the report, as well as in the answers provided in the constructive dialogue. This insufficient analysis prevented the Committee from clearly identifying the results and impact of the different policies, plans and programmes.

618. **The Committee requests the State party to strengthen the analysis of, and use the available data to determine trends over time, results and the impact of, programmes, plans and policies at all levels and to ensure that data disaggregated by states, rural and urban areas and indigenous groups and the analysis of such data are included in its next periodic report.**

619. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

620. **The Committee emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.**

621. **The Committee commends the State party for having ratified the seven major international human rights instruments.**[1] **It notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

622. **The Committee requests the wide dissemination in Mexico of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third**

special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

623. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in September 2006, and its eighth periodic report, due in September 2010, in a combined report in 2010.**

Chapter V

Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

624. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Optional Protocol.

Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

625. The Committee took note of the report of the Working Group on Communications under the Optional Protocol on its eighth session (annex X to part three of the present report).

626. The Committee took action on communications 3/2004 (see annex VIII, A to part three of the present report) and 4/2004 (see annex VIII, B to part three of the present report).

627. The Committee was briefed by Cees Flinterman on his own behalf and on behalf of Hanna Beate Schöpp-Schilling, both of whom were appointed as rapporteurs on follow-up to the views on communication 2/2003, *A. T. v. Hungary* at the thirty-fourth session, on the further information dated 14 July 2006 from the State party. On their recommendation, the Committee decided to bring to a close its follow-up on the views of communication 2/2003, *A. T. v. Hungary*. In accordance with article 7.5 of the Optional Protocol, the Committee decided that any further information on follow-up to the views on this case would be requested in the framework of the reporting procedure under article 18 of the Convention. The Committee requested the Secretariat to inform the State party of these decisions.

Chapter VI

Ways and means of expediting the work of the Committee

628. The Committee considered agenda item 6, ways and means of expediting the work of the Committee, at its 738th and 755th meetings, on 7 and 25 August 2006.

Action taken by the Committee under agenda item 6

Dates of future sessions of the Committee

629. In accordance with the calendar of conferences and meetings for 2007, the following schedule was confirmed:

- Thirty-seventh session: 15 January to 2 February 2007
- Thirty-eighth session: 14 May to 1 June 2007
- Thirty-ninth session: 23 July to 10 August 2007
- Pre-session working group for the thirty-ninth session: 5 to 9 February 2007
- Pre-session working group for the fortieth session: 16 to 20 July 2007
- Ninth session of the Working Group on Communications under the Optional Protocol: 5 to 9 February 2007
- Tenth session of the Working Group on Communications under the Optional Protocol: 16 to 20 July 2007

Reports to be considered at future sessions of the Committee

630. The Committee confirmed that it would consider the following reports at its thirty-seventh to thirty-ninth sessions:

(a) **Thirty-seventh session**

Initial reports

Tajikistan

Periodic reports

Austria
Azerbaijan
Colombia
Greece
India
Kazakhstan
Maldives
Namibia
Netherlands
Nicaragua
Peru
Poland

Suriname
Viet Nam

(b) **Thirty-eighth session**

Mauritania
Mozambique
Niger
Pakistan
Serbia
Syrian Arab Republic
Vanuatu

(c) **Thirty-ninth session**

Belize
Bolivia
Brazil
Cook Islands
Estonia
Guinea
Honduras
Hungary
Indonesia
Jordan
Kenya
Liechtenstein
New Zealand
Republic of Korea
Singapore

Composition of parallel chambers at the thirty-seventh session

631. The Committee decided on the following composition of its parallel chambers for the thirty-seventh session:

Chamber A	*Chamber B*
Dorcas Coker-Appiah	Magalys Arocha
Shanthi Dairiam	Ferdous Ara Begum
Cees Flinterman	Meriem Belmihoub-Zerdani
Naela Gabr	Saisuree Chutikul
Ruth Halperin-Kaddari	Françoise Gaspard
Violeta Neubauer	Tiziana Maiolo
Silvia Pimentel	Pramila Patten
Fumiko Saiga	Hazel Shelton
Hanna Beate Schöpp-Schilling	Dubravka Šimonović
Heisoo Shin	Anamah Tan
Glenda Simms	Maria Regina Tavares da Silva
	Zou Xiaoqiao

Enhancing the Committee's working methods under article 18 of the Convention

Working methods in parallel chambers

632. The Committee assessed its experience with the parallel chambers and drew a number of lessons. These pertained in particular to the briefing notes prepared by country rapporteurs, coordination and cooperation among members of the chambers and between chambers respectively, time management, the role of the Chairperson in guiding the constructive dialogue, background information prepared by the Secretariat, the work of the pre-session working group and of the country rapporteur. The Committee also stressed the importance of having information from other sources, such as in particular non-governmental organization shadow reports, reach the Committee as early as possible, preferably already at the time of the meeting of the pre-session working group.

633. The Committee agreed to consider further the format of the constructive dialogue, and in particular the clustering of questions in accordance with the four parts of the Convention.

Interaction with specialized agencies and other bodies of the United Nations system

634. The Committee noted with appreciation that United Nations country teams submitted information in regard to five States parties whose reports were considered at this session, namely Cape Verde, Chile, Mauritius, Mexico and Philippines. It encourages the entities of the United Nations system, through country teams, to expand this practice and, in particular, consider making such information available to the Committee's pre-session working group tasked with preparing lists of issues and questions for reporting States. The Committee suggests that such information should be kept relatively short and succinct. The Committee also encourages the United Nations country teams to undertake follow-up activities on the basis of the Committee's concluding comments and to support States parties in their implementation of the concluding comments at the country level, and to submit further information at the time the respective State party reports the next time.

Follow-up to the recommendations of the fifth inter-committee meeting and the eighteenth meeting of chairpersons of the human rights treaty bodies

635. The Committee held a preliminary discussion on the report of the fifth inter-committee meeting and the eighteenth meeting of chairpersons of the human rights treaty bodies and of the recommendations and points of agreement contained therein (A/61/385), and took action on a number of matters (see below). It agreed to continue discussion at its thirty-seventh session, with a view to taking further action, as may be necessary.

Harmonized guidelines on reporting

636. The Committee took note of the acceptance, by the inter-committee meeting, of the revised harmonized reporting guidelines under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2006/3). It agreed to establish an intersessional working group consisting of Shanthi Dairiam, Naela Mohamed Gabr, and Hanna Beate

Schöpp-Schilling, to consider possible revisions to the Committee's own reporting guidelines in the light of the harmonized reporting guidelines. It requested the working group to work inter-sessionally via electronic correspondence and to submit proposals for the Committee's consideration at its thirty-seventh session.

Working group on reservations

637. In reference to the recommendations of the fifth inter-committee meeting that the working group on reservations reconvene and submit a fuller report on the question of reservations to international human rights instruments (see A/61/385), the Committee confirmed Mr. Flinterman as its representative in the group. It also confirmed Ms. Patten as alternate representative.

Working group on harmonization of working methods

638. In reference to the recommendation of the fifth inter-committee meeting that a working group be established, as soon as possible, consisting of seven members, one designated by each Committee to discuss the various proposals to harmonize the working methods of the treaty bodies, including those of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, and to report its deliberations to the sixth inter-committee meeting in 2007, the Committee designated Hanna Beate Schöpp-Schilling to represent the Committee in this group. It also designated Shanthi Dairiam as alternate representative.

Other matters

Interaction with the Inter-Parliamentary Union

639. The Committee notes the important role of Parliamentarians in the implementation of the Convention and follow-up to concluding comments. In this regard, the Committee encourages the inter-Parliamentary Union to submit country-specific information pertaining to the implementation of the Convention in States parties. The Committee suggests that the IPU avail itself of the Committee's Guidelines for submission of reports by United Nations specialized agencies and other bodies.

Follow-up to requests of the Commission on the Status of Women

640. Following its preliminary discussion at its thirty-fifth session (see part II above), the Committee submits the following proposals to the Commission on the Status of Women.

Input to the Commission on the Status of Women in regard to priority themes

641. The Commission on the Status of Women has invited the Committee on the Elimination of Discrimination against Women to contribute, where appropriate, to the discussion on the priority themes the Commission will take up in 2007-2008.

642. The Committee welcomes this invitation and suggests that with regard to the thematic discussions of the Commission it could contribute an analysis of its consideration of the theme concerned, which would in particular draw from the concluding comments of the Committee in that regard. The Committee's overall experiences and findings could be conveyed to the Commission. Experts of the Committee could participate in any panel discussion organized in conjunction with the consideration of the theme in the Commission on the Status of Women to highlight the views of the Committee on the topic concerned.

Chapter VII

Implementation of article 21 of the Convention

643. The Committee considered agenda item 5, on the implementation of article 21 of the Convention, at its 738th and 755th meetings, on 7 and 25 August 2006.

Action taken by the Committee under agenda item 5

General recommendation on article 2 of the Convention

644. A member of the task force for a general recommendation on article 2 provided an update on the status of its work.

General recommendation on migrant women

645. The Committee began its first reading of the draft general recommendation on migrant women. The Committee suggested that Ms. Gabr and Ms. Tavares da Silva join the Working Group on the general recommendation. It entrusted Ms. Dairiam with the revision of the text inter-sessionally in consultation with the Working Group in preparation for further discussion at the thirty-seventh session.

Chapter VIII

Provisional agenda for the thirty-seventh session

646. The Committee considered the draft provisional agenda for its thirty-seventh session at its 755th meeting on 25 August 2006. The Committee adopted the following provisional agenda for the session:

1. Opening of the session.
2. Solemn declaration by the new members of the Committee.
3. Election of officers.
4. Adoption of the agenda and organization of work.
5. Report of the Chairperson on activities undertaken between the thirty-sixth and thirty-seventh sessions of the Committee.
6. Consideration of the reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
8. Ways and means of expediting the work of the Committee.
9. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
10. Provisional agenda for the thirty-eighth session.
11. Adoption of the report of the Committee on its thirty-seventh session.

Chapter IX

Adoption of the report

647. The Committee considered the draft report on its thirty-sixth session (CEDAW/C/2006/III/L.1) at its 755th meeting (see CEDAW/C/SR.755) and adopted it, as orally revised during the discussion.

Notes

[1] The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

[2] See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38* (A/55/38), paras. 67-117.

[3] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38* (A/56/38), part I, paras. 219 and 220.

[4] See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 38* (A/55/38), para. 264.

Annex I

States parties to the Convention on the Elimination of All Forms of Discrimination against Women, as at 31 August 2006

States parties	*Date of receipt of the instrument of ratification or accession (a) succession (b)*	*Date of entry into force*
Afghanistan	5 March 2003	4 April 2003
Albania	11 May 1994[a]	10 June 1994
Algeria	22 May 1996[a]	21 June 1996
Andorra	15 January 1997[a]	14 February 1997
Angola	17 September 1986[a]	17 October 1986
Antigua and Barbuda	1 August 1989[a]	31 August 1989
Argentina	15 July 1985	14 August 1985
Armenia	13 September 1993[a]	13 October 1993
Australia	28 July 1983	27 August 1983
Austria	31 March 1982	30 April 1982
Azerbaijan	10 July 1995[a]	9 August 1995
Bahamas	8 October 1993[a]	7 November 1993
Bahrain	18 June 2002[a]	18 July 2002
Bangladesh	6 November 1984[a]	6 December 1984
Barbados	16 October 1980	3 September 1981
Belarus	4 February 1981	3 September 1981
Belgium	10 July 1985	9 August 1985
Belize	16 May 1990	15 June 1990
Benin	12 March 1992	11 April 1992
Bhutan	31 August 1981	30 September 1981
Bolivia	8 June 1990	8 July 1990
Bosnia and Herzegovina	1 September 1993[b]	1 October 1993
Botswana	13 August 1996[a]	12 September 1996
Brazil	1 February 1984	2 March 1984

States parties	*Date of receipt of the instrument of ratification or accession (a) succession (b)*	*Date of entry into force*
Brunei Darussalam	24 May 2006[a]	23 June 2006
Bulgaria	8 February 1982	10 March 1982
Burkina Faso	14 October 1987[a]	13 November 1987
Burundi	8 January 1992	7 February 1992
Cambodia	15 October 1992[a]	14 November 1992
Cameroon	23 August 1994	22 September 1994
Canada	10 December 1981	9 January 1982
Cape Verde	5 December 1980[a]	3 September 1981
Central African Republic	21 June 1991[a]	21 July 1991
Chad	9 June 1995[a]	9 July 1995
Chile	7 December 1989	6 January 1990
China	4 November 1980	3 September 1981
Colombia	19 January 1982	18 February 1982
Comoros	31 October 1994[a]	30 November 1994
Congo	26 July 1982	25 August 1982
Cook Islands	11 August 2006[a]	10 September 2006
Costa Rica	4 April 1986	4 May 1986
Côte d'Ivoire	18 December 1995	17 January 1996
Croatia	9 September 1992[b]	9 October 1992
Cuba	17 July 1980	3 September 1981
Cyprus	23 July 1985[a]	22 August 1985
Czech Republic[c]	22 February 1993[b]	24 March 1993
Democratic People's Republic of Korea	27 February 2001[a]	29 March 2001
Democratic Republic of the Congo[d]	17 October 1986	16 November 1986
Denmark	21 April 1983	21 May 1983
Djibouti	2 December 1998[a]	1 January 1999
Dominica	15 September 1980	3 September 1981

States parties	*Date of receipt of the instrument of ratification or accession (a) succession (b)*	*Date of entry into force*
Dominican Republic	2 September 1982	2 October 1982
Ecuador	9 November 1981	9 December 1981
Egypt	18 September 1981	18 October 1981
El Salvador	19 August 1981	18 September 1981
Equatorial Guinea	23 October 1984[a]	22 November 1984
Eritrea	5 September 1995[a]	5 October 1995
Estonia	21 October 1991[a]	20 November 1991
Ethiopia	10 September 1981	10 October 1981
Fiji	28 August 1995[a]	27 September 1995
Finland	4 September 1986	4 October 1986
France	14 December 1983	13 January 1984
Gabon	21 January 1983	20 February 1983
Gambia	16 April 1993	16 May 1993
Georgia	26 October 1994[a]	25 November 1994
Germany[c]	10 July 1985	9 August 1985
Ghana	2 January 1986	1 February 1986
Greece	7 June 1983	7 July 1983
Grenada	30 August 1990	29 September 1990
Guatemala	12 August 1982	11 September 1982
Guinea	9 August 1982	8 September 1982
Guinea-Bissau	23 August 1985	22 September 1985
Guyana	17 July 1980	3 September 1981
Haiti	20 July 1981	3 September 1981
Honduras	3 March 1983	2 April 1983
Hungary	22 December 1980	3 September 1981
Iceland	18 June 1985	18 July 1985
India	9 July 1993	8 August 1993
Indonesia	13 September 1984	13 October 1984

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Iraq	13 August 1986[a]	12 September 1986
Ireland	23 December 1985[a]	22 January 1986
Israel	3 October 1991	2 November 1991
Italy	10 June 1985	10 July 1985
Jamaica	19 October 1984	18 November 1984
Japan	25 June 1985	25 July 1985
Jordan	1 July 1992	31 July 1992
Kazakhstan	26 August 1998[a]	25 September 1998
Kenya	9 March 1984[a]	8 April 1984
Kiribati	17 March 2004[a]	16 April 2004
Kuwait	2 September 1994[a]	2 October 1994
Kyrgyzstan	10 February 1997[a]	12 March 1997
Lao People's Democratic Republic	14 August 1981	13 September 1981
Latvia	14 April 1992[a]	14 May 1992
Lebanon	16 April 1997[a]	16 May 1997
Lesotho	22 August 1995	21 September 1995
Liberia	17 July 1984[a]	16 August 1984
Libyan Arab Jamahiriya	16 May 1989[a]	15 June 1989
Liechtenstein	22 December 1995[a]	21 January 1996
Lithuania	18 January 1994[a]	17 February 1994
Luxembourg	2 February 1989	4 March 1989
Madagascar	17 March 1989	16 April 1989
Malawi	12 March 1987[a]	11 April 1987
Malaysia	5 July 1995[a]	4 August 1995
Maldives	1 July 1993[a]	31 July 1993
Mali	10 September 1985	10 October 1985
Malta	8 March 1991[a]	7 April 1991

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Marshall Islands	2 March 2006[a]	1 April 2006
Mauritania	10 May 2001[a]	9 June 2001
Mauritius	9 July 1984[a]	8 August 1984
Mexico	23 March 1981	3 September 1981
Micronesia (Federated States of)	1 September 2004[a]	1 October 2004
Monaco	18 March 2005[a]	17 April 2005
Mongolia	20 July 1981	3 September 1981
Morocco	21 June 1993[a]	21 July 1993
Mozambique	21 April 1997[a]	21 May 1997
Myanmar	22 July 1997[a]	21 August 1997
Namibia	23 November 1992[a]	23 December 1992
Nepal	22 April 1991	22 May 1991
Netherlands	23 July 1991	22 August 1991
New Zealand	10 January 1985	9 February 1985
Nicaragua	27 October 1981	26 November 1981
Niger	8 October 1999[a]	7 November 1999
Nigeria	13 June 1985	13 July 1985
Norway	21 May 1981	3 September 1981
Oman	7 February 2006[a]	9 March 2006
Pakistan	12 March 1996[a]	11 April 1996
Panama	29 October 1981	28 November 1981
Papua New Guinea	12 January 1995[a]	11 February 1995
Paraguay	6 April 1987[a]	6 May 1987
Peru	13 September 1982	13 October 1982
Philippines	5 August 1981	4 September 1981
Poland	30 July 1980	3 September 1981
Portugal	30 July 1980	3 September 1981
Republic of Korea	27 December 1984	26 January 1985

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Republic of Moldova	1 July 1994[a]	31 July 1994
Romania	7 January 1982	6 February 1982
Russian Federation	23 January 1981	3 September 1981
Rwanda	2 March 1981	3 September 1981
Saint Kitts and Nevis	25 April 1985[a]	25 May 1985
Saint Lucia	8 October 1982[a]	7 November 1982
Saint Vincent and the Grenadines	4 August 1981[a]	3 September 1981
Samoa	25 September 1992[a]	25 October 1992
San Marino	10 December 2003	9 January 2004
Sao Tome and Principe	3 June 2003	2 July 2003
Saudi Arabia	7 September 2000	7 October 2000
Senegal	5 February 1985	7 March 1985
Serbia	12 March 2001[b]	11 April 2001
Seychelles	5 May 1992[a]	4 June 1992
Sierra Leone	11 November 1988	10 December 1988
Singapore	5 October 1995[a]	4 November 1995
Slovakia	28 May 1993[a]	27 June 1993
Slovenia	6 July 1992[b]	5 August 1992
Solomon Islands	6 May 2002[a]	5 June 2002
South Africa	15 December 1995	14 January 1996
Spain	5 January 1984	4 February 1984
Sri Lanka	5 October 1981	4 November 1981
Suriname	1 March 1993[a]	31 March 1993
Swaziland	26 March 2004[a]	25 April 2004
Sweden	2 July 1980	3 September 1981
Switzerland	27 March 1997	26 April 1997
Syrian Arab Republic	18 March 2003[a]	17 April 2003
Tajikistan	26 October 1993[a]	25 November 1993

States parties	*Date of receipt of the instrument of ratification or accession (a), succession (b)*	*Date of entry into force*
Thailand	9 August 1985[a]	8 September 1985
The former Yugoslav Republic of Macedonia	18 January 1994[b]	17 February 1994
Timor-Leste	16 April 2003[a]	16 May 2003
Togo	26 September 1983[a]	26 October 1983
Trinidad and Tobago	12 January 1990	11 February 1990
Tunisia	20 September 1985	20 October 1985
Turkey	20 December 1985[a]	19 January 1986
Turkmenistan	1 May 1997[a]	31 May 1997
Tuvalu	6 October 1999[a]	5 November 1999
Uganda	22 July 1985	21 August 1985
Ukraine	12 March 1981	3 September 1981
United Arab Emirates	6 October 2004[a]	5 November 2004
United Kingdom of Great Britain and Northern Ireland	7 April 1986	7 May 1986
United Republic of Tanzania	20 August 1985	19 September 1985
Uruguay	9 October 1981	8 November 1981
Uzbekistan	19 July 1995[a]	18 August 1995
Vanuatu	8 September 1995[a]	8 October 1995
Venezuela (Bolivarian Republic of)	2 May 1983	1 June 1983
Viet Nam	17 February 1982	19 March 1982
Yemen[f]	30 May 1984[a]	29 June 1984
Zambia	21 June 1985	21 July 1985
Zimbabwe	13 May 1991[a]	12 June 1991

[a] Ratification, accession.

[b] Succession.

[c] Before becoming separate States on 1 January 1993, the Czech Republic and Slovakia formed part of Czechoslovakia, which had ratified the Convention on 16 February 1982.

[d] Effective 17 May 1997, Zaire was renamed the Democratic Republic of the Congo.

[e] With effect from 3 October 1990, the German Democratic Republic (which ratified the Convention on 9 July 1980) and the Federal Republic of Germany (which ratified the Convention on 10 July 1985) united to form one sovereign State, which acts in the United Nations under the designation Germany.

[f] On 22 May 1990, Democratic Yemen and Yemen merged to form a single State, which acts in the United Nations under the designation Yemen.

Annex II

States parties which have deposited with the Secretary-General instruments of acceptance of the amendment to article 20, paragraph 1, of the Convention, as at 31 August 2006

States parties	*Acceptance date*
Andorra	14 October 2002
Australia	4 June 1998
Austria	11 September 2000
Bahamas	17 January 2003
Brazil	5 March 1997
Canada	3 November 1997
Chile	8 May 1998
China	10 July 2002
Croatia	24 October 2003
Cyprus	30 July 2002
Denmark	12 March 1996
Egypt	2 August 2001
Finland	18 March 1996
France	8 August 1997
Georgia	30 September 2005
Germany	25 February 2002
Guatemala	3 June 1999
Iceland	8 May 2002
Ireland	11 June 2004
Italy	31 May 1996
Japan	12 June 2003
Jordan	11 January 2002
Lesotho	12 November 2001
Liberia	16 September 2005

States parties	*Acceptance date*
Liechtenstein	15 April 1997
Lithuania	5 August 2004
Luxembourg	1 July 2003
Madagascar	19 July 1996
Maldives	7 February 2002
Mali	20 June 2002
Malta	5 March 1997
Mauritius	29 October 2002
Mexico	16 September 1996
Mongolia	19 December 1997
Netherlands[a]	10 December 1997
New Zealand	26 September 1996
Niger	1 May 2002
Norway	29 March 1996
Panama	5 November 1996
Philippines	12 November 2003
Portugal	8 January 2002
Republic of Korea	12 August 1996
Sweden	17 July 1996
Switzerland	2 December 1997
Turkey	9 December 1999
United Kingdom of Great Britain and Northern Ireland[b]	19 November 1997
Uruguay	8 January 2004

[a] For the Kingdom in Europe, the Netherlands Antilles and Aruba.

[b] For the United Kingdom of Great Britain and Northern Ireland, the Isle of Man, the British Virgin Islands, and the Turks and Caicos Islands.

Annex III

States parties which have signed, ratified or acceded to the Optional Protocol to the Convention, as at 31 August 2006

States parties	*Date signed*	*Ratification, accession*[a]
Albania		23 June 2003[a]
Andorra	9 July 2001	14 October 2002
Antigua and Barbuda		5 June 2006[a]
Argentina	28 February 2000	
Austria	10 December 1999	6 September 2000
Azerbaijan	6 June 2000	1 June 2001
Bangladesh[b]	6 September 2000	6 September 2000
Belarus	29 April 2002	3 February 2004
Belgium	10 December 1999	17 June 2004
Belize[b]		9 December 2002[a]
Benin	25 May 2000	
Bolivia	10 December 1999	27 September 2000
Bosnia and Herzegovina	7 September 2000	4 September 2002
Brazil	13 March 2001	28 June 2002
Bulgaria	6 June 2000	
Burkina Faso	16 November 2001	10 October 2005
Burundi	13 November 2001	
Cambodia	11 November 2001	
Cameroon		7 January 2005[a]
Canada		18 October 2002[a]
Chile	10 December 1999	
Colombia	10 December 1999	
Costa Rica	10 December 1999	20 September 2001
Croatia	5 June 2000	7 March 2001
Cuba	17 March 2000	
Cyprus	8 February 2001	26 April 2002

States parties	*Date signed*	*Ratification, accession*[a]
Czech Republic	10 December 1999	26 February 2001
Denmark	10 December 1999	31 May 2000
Dominican Republic	14 March 2000	10 August 2001
Ecuador	10 December 1999	5 February 2002
El Salvador	4 April 2001	
Finland	10 December 1999	29 December 2000
France	10 December 1999	9 June 2000
Gabon		5 November 2004[a]
Georgia		1 August 2002[a]
Germany	10 December 1999	15 January 2002
Ghana	24 February 2000	
Greece	10 December 1999	24 January 2002
Guatemala	7 September 2000	9 May 2002
Guinea-Bissau	12 September 2000	
Hungary		22 December 2000[a]
Iceland	10 December 1999	6 March 2001
Indonesia	28 February 2000	
Ireland	7 September 2000	7 September 2000
Italy	10 December 1999	22 September 2000
Kazakhstan	6 September 2000	24 August 2001
Kyrgyzstan		22 July 2002[a]
Lesotho	6 September 2000	24 September 2004
Liberia	22 September 2004	
Libyan Arab Jamahiriya		18 June 2004[a]
Liechtenstein	10 December 1999	24 October 2001
Lithuania	8 September 2000	5 August 2004
Luxembourg	10 December 1999	1 July 2003
Madagascar	7 September 2000	
Malawi	7 September 2000	

States parties	*Date signed*	*Ratification, accession*[a]
Maldives		13 March 2006[a]
Mali		5 December 2000[a]
Mauritius	11 November 2001	
Mexico	10 December 1999	15 March 2002
Mongolia	7 September 2000	28 March 2002
Namibia	19 May 2000	26 May 2000
Nepal	18 December 2001	
Netherlands[c]	10 December 1999	22 May 2002
New Zealand[d]	7 September 2000	7 September 2000
Niger		30 September 2004[a]
Nigeria	8 September 2000	22 November 2004
Norway	10 December 1999	5 March 2002
Panama	9 June 2000	9 May 2001
Paraguay	28 December 1999	14 May 2001
Peru	22 December 2000	9 April 2001
Philippines	21 March 2000	12 November 2003
Poland		22 December 2003[a]
Portugal	16 February 2000	26 April 2002
Republic of Moldova		28 February 2006[a]
Romania	6 September 2000	25 August 2003
Russian Federation	8 May 2001	28 July 2004
Saint Kitts and Nevis		20 January 2006[a]
San Marino		15 September 2005[a]
Sao Tome and Principe	6 September 2000	
Senegal	10 December 1999	26 May 2000
Serbia		31 July 2003[a]
Seychelles	22 July 2002	
Sierra Leone	8 September 2000	
Slovakia	5 June 2000	17 November 2000

States parties	*Date signed*	*Ratification, accession*[a]
Slovenia	10 December 1999	23 September 2004
Solomon Islands		6 May 2002[a]
South Africa		18 October 2005[a]
Spain	14 March 2000	6 July 2001
Sri Lanka		15 October 2002[a]
Sweden	10 December 1999	24 April 2003
Tajikistan	7 September 2000	
Thailand	14 June 2000	14 June 2000
The former Yugoslav Republic of Macedonia	3 April 2000	17 October 2003
Timor-Leste		16 April 2003[a]
Turkey	8 September 2000	29 October 2003
Ukraine	7 September 2000	26 September 2003
United Kingdom of Great Britain and Northern Ireland		17 December 2004[a]
United Republic of Tanzania		12 January 2006[a]
Uruguay	9 May 2000	26 July 2001
Venezuela (Bolivarian Republic of)	17 March 2000	13 May 2002

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[a] Accession.

[b] Upon ratification made a declaration in accordance with article 10 (1) of the Optional Protocol.

[c] For the Kingdom in Europe, the Netherlands Antilles and Aruba.

[d] With a declaration to the effect that "consistent with the constitutional status of Tokelau and taking into account its commitment to the development of self-government through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the depositary on the basis of appropriate consultation with that territory".

Annex IV

Documents before the Committee at its thirty-fourth, thirty-fifth and thirty-sixth sessions

Document number	*Title or description*
A. Thirty-fourth session	
CEDAW/C/2006/I/1 and Corr.1	Annotated provisional agenda
CEDAW/C/2006/I/2	Report of the Secretary-General on the status of submission of reports by States parties under article 18 of the Convention
CEDAW/C/2006/I/3	Note by the Secretary-General on reports provided by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities
CEDAW/C/2006/3/Add.1	Report of the Food and Agriculture Organization of the United Nations
CEDAW/C/2006/I/3/Add.3	Report of the United Nations Educational, Scientific and Cultural Organization
CEDAW/C/2006/I/3/Add.4	Report of the International Labour Organization
CEDAW/C/2006/I/4	Report of the Secretariat on ways and means of expediting the work of the Committee
CEDAW/C/2006/I/4/Add.1	Ways and means of expediting the work of the Committee on the Elimination of Discrimination against Women
Reports of States parties	
CEDAW/C/KHM/1-3	Combined initial, second and third periodic report of Cambodia
CEDAW/C/ERI/1-3	Combined initial, second and third periodic report of Eritrea
CEDAW/C/ERI/1-3/Corr.1	Corrigendum
CEDAW/C/MKD/1-3	Combined initial, second and third periodic report of the Former Yugoslav Republic of Macedonia
CEDAW/C/TGO/1-5	Combined initial, second, third, fourth and fifth periodic report of Togo
CEDAW/C/AUL/4-5	Combined fourth and fifth periodic report of Australia

Document number	*Title or description*
CEDAW/C/MLI/2-5	Combined second, third, fourth and fifth periodic report of Mali
CEDAW/C/THA/4-5	Combined fourth and fifth periodic report of Thailand
CEDAW/C/VEN/4-6	Combined fourth, fifth and sixth periodic report of Venezuela
B. Thirty-fifth session	
CEDAW/C/2006/II/1	Annotated provisional agenda
CEDAW/C/2006/II/2	Report of the Secretary-General on the status of submission of reports by States parties under article 18 of the Convention
CEDAW/C/2006/II/3	Note by the Secretary-General on reports provided by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities
CEDAW/C/2006/II/3/Add.3	Report of the United Nations Educational, Scientific and Cultural Organization
CEDAW/C/2006/II/3/Add.4	Report of the International Labour Organization
CEDAW/C/2006/II/4	Report of the Secretariat on ways and means of expediting the work of the Committee
Reports of States parties	
CEDAW/C/BIH/1-3	Combined initial, second and third periodic report of Bosnia and Herzegovina
CEDAW/C/MYS/1-2	Combined initial and second periodic report of Malaysia
CEDAW/C/LCA/1-6	Combined initial, second, third, fourth, fifth and sixth periodic report of Saint Lucia
CEDAW/C/TKM/1-2	Combined initial and second periodic report of Turkmenistan
CEDAW/C/CYP/3-5	Combined third, fourth and fifth periodic report of Cyprus
CEDAW/C/GUA/6	Sixth periodic report of Guatemala
CEDAW/C/MWI/2-5	Combined second, third, fourth and fifth periodic report of Malawi
CEDAW/C/ROM/6	Sixth periodic report of Romania

Document number	*Title or description*
C. Thirty-sixth session	
CEDAW/C/2006/III/1	Annotated provisional agenda
CEDAW/C/2006/III/2	Report of the Secretary-General on the status of submission of reports by States parties under article 18 of the Convention
CEDAW/C/2006/III/3	Note by the Secretary-General on reports provided by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities
CEDAW/C/2006/III/3/Add.1	Report of the Food and Agriculture Organization of the United Nations
CEDAW/C/2006/III/3/Add.3	Report of the United Nations Educational, Scientific and Cultural Organization
CEDAW/C/2006/III/3/Add.4	Report of the International Labour Organization
CEDAW/C/2006/III/4	Report of the Secretariat on ways and means of expediting the work of the Committee
Reports of States parties	
CEDAW/C/CPV/1-6	Combined initial, second, third, fourth, fifth and sixth periodic report of Cape Verde
CEDAW/C/CHI/4	Fourth periodic report of Chile
CEDAW/C/CHN/5-6, Add.1 and Add.2	Combined fifth and sixth periodic report of China
CEDAW/C/CUB/5-6	Combined fifth and sixth periodic report of Cuba
CEDAW/C/COD/4-5	Combined fourth and fifth periodic report of the Democratic Republic of the Congo
CEDAW/C/CZE/3	Third periodic report of Czech Republic
CEDAW/C/DNK/6	Sixth periodic report of Denmark
CEDAW/C/GEO/2-3	Combined second and third periodic report of Georgia
CEDAW/C/GHA/3-5	Combined third, fourth and fifth periodic report of Ghana
CEDAW/C/JAM/5	Fifth periodic report of Jamaica
CEDAW/C/MAR/3-5	Combined third, fourth and fifth periodic report of Mauritius
CEDAW/C/MEX/6	Sixth periodic report of Mexico

Document number	*Title or description*
CEDAW/C/PHI/5-6	**Combined fifth and sixth periodic report of the Philippines**
CEDAW/C/MDA/2-3	**Combined second and third periodic report of the Republic of Moldova**
CEDAW/C/UZB/2-3	**Combined second and third periodic report of Uzbekistan**

Annex V

Membership of the Committee on the Elimination of Discrimination against Women

Name of member	*Country of nationality*	*Term of office expires on 31 December*
Magalys Arocha Dominguez	Cuba	2008
Meriem Belmihoub-Zerdani	Algeria	2006
Huguette Bokpe-Gnacadja	Benin	2006
Dorcas Coker-Appiah	Ghana	2006
Mary Shanthi Dairiam	Malaysia	2008
Cornelis Flinterman	Netherlands	2006
Náela Gabr	Egypt	2006
Françoise Gaspard	France	2008
Salma Khan	Bangladesh	2006
Tiziana Maiolo	Italy	2008
Rosario Manalo	Philippines	2006
Krisztina Morvai	Hungary	2006
Pramila Patten	Mauritius	2006
Silvia Pimentel	Brazil	2008
Victoria Popescu	Romania	2006
Fumiko Saiga	Japan	2006
Hanna Beate Schöpp-Schilling	Germany	2008
Heisoo Shin	Republic of Korea	2008
Glenda P. Simms	Jamaica	2008
Dubravka Šimonović	Croatia	2006
Anamah Tan	Singapore	2008
Maria Regina Tavares da Silva	Portugal	2008
Xiaoqiao Zou	China	2008

Annex VI

Status of submission and consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, as at 31 August 2006

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Afghanistan	4 April 2004		
Albania			
Initial report	10 June 1995	20 May 2002 (CEDAW/C/ALB/1-2)	Twenty-eighth (2003)
Second periodic report	10 June 1999	20 May 2002 (CEDAW/C/ALB/1-2)	Twenty-eighth (2003)
Third periodic report	10 June 2003		
Algeria			
Initial report	21 June 1997	1 September 1998 (CEDAW/C/DZA/1)	Twentieth (1999)
		1 December 1998 (CEDAW/C/DZA/Add.1)	
Second periodic report	21 June 2001	29 January 2003 (CEDAW/C/DZA/2)	Thirty-second (2005)
Third periodic report	21 June 2005		
Andorra			
Initial report	14 February 1998	23 June 2000 (CEDAW/C/AND/1)	Twenty-fifth (2001)
Second periodic report	14 February 2002		
Third periodic report	14 February 2006		
Angola			
Initial report	17 October 1987	2 May 2002 (CEDAW/C/AGO/1-3)	Thirty-first (2004)
Second periodic report	17 October 1991	2 May 2002 (CEDAW/C/AGO/1-3)	Thirty-first (2004)
Third periodic report	17 October 1995	2 May 2002 (CEDAW/C/AGO/1-3)	Thirty-first (2004)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	17 October 1999	20 May 2004 (CEDAW/C/AGO/4-5)	Thirty-first (2004)
Fifth periodic report	17 October 2003	20 May 2004 (CEDAW/C/AGO/4-5)	Thirty-first (2004)
Antigua and Barbuda			
Initial report	31 August 1990	21 September 1994 (CEDAW/C/ANT/1-3)	Seventeenth (1997)
Second periodic report	31 August 1994	21 September 1994 (CEDAW/C/ANT/1-3)	Seventeenth (1997)
Third periodic report	31 August 1998	21 September 1994 (CEDAW/C/ANT/1-3)	Seventeenth (1997)
Fourth periodic report	31 August 2002		
Fifth periodic report	31 August 2006		
Argentina			
Initial report	14 August 1986	6 October 1986 (CEDAW/C/5/Add.39)	Seventh (1988)
Second periodic report	14 August 1990	13 February 1992 (CEDAW/C/ARG/2) 27 May 1994 (CEDAW/C/ARG/2/Add.1) 19 August 1994 (CEDAW/C/ARG/2/Add.2)	Seventeenth (1997)
Third periodic report	14 August 1994	1 October 1996 (CEDAW/C/ARG/3)	Seventeenth (1997)
Fourth periodic report	14 August 1998	18 January 2000 (CEDAW/C/ARG/4)	Exceptional (2002)
Fifth periodic report	14 August 2002	15 January 2002 (CEDAW/C/ARG/5)	Exceptional (2002)
Follow-up report	5 January 2004	29 January 2004 (CEDAW/C/ARG/follow-up to CEDAW/C/ARG/5)	Thirty-first (2004)
Sixth periodic report	14 August 2006		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Armenia			
Initial report	13 October 1994	30 November 1994 (CEDAW/C/ARM/1)	Seventeenth (1997)
		10 February 1997 (CEDAW/C/ARM/1/Corr.1)	
Second periodic report	13 October 1998	23 August 1999 (CEDAW/C/ARM/2)	Exceptional (2002)
Third periodic report	13 October 2002		
Australia			
Initial report	27 August 1984	3 October 1986 (CEDAW/C/5/Add.40)	Seventh (1988)
Second periodic report	27 August 1988	24 July 1992 (CEDAW/C/AUL/2)	Thirteenth (1994)
Third periodic report	27 August 1992	1 March 1995 (CEDAW/C/AUL/3)	Seventeenth (1997)
Fourth periodic report	27 August 1996	29 January 2004 (CEDAW/C/AUL/4-5)	Thirty-fifth (2006)
Fifth periodic report	27 August 2000	29 January 2004 (CEDAW/C/AUL/4-5)	Thirty-fifth (2006)
Sixth periodic report	27 August 2004		
Austria			
Initial report	30 April 1983	20 October 1983 (CEDAW/C/5/Add.17)	Fourth (1985)
Second periodic report	30 April 1987	18 December 1989 (CEDAW/C/13/Add.27)	Tenth (1991)
Third periodic report	30 April 1991	25 April 1997 (CEDAW/C/AUT/3-4)	Twenty-third (2000)
Fourth periodic report	30 April 1995	25 April 1997 (CEDAW/C/AUT/3-4)	Twenty-third (2000)
Fifth periodic report	30 April 1999	20 September 1999 (CEDAW/C/AUT/5)	Twenty-third (2000)
Sixth periodic report	30 April 2003	11 October 2004 (CEDAW/C/AUT/6)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Azerbaijan			
Initial report	9 August 1996	11 September 1996 (CEDAW/C/AZE/1)	Eighteenth (1998)
Second periodic report	9 August 2000	7 January 2005 (CEDAW/C/AZE/2-3)	
Third periodic report	9 August 2004	7 January 2005 (CEDAW/C/AZE/2-3)	
Bahamas			
Initial report	5 November 1994		
Second periodic report	5 November 1998		
Third periodic report	5 November 2002		
Bahrain			
Initial report	18 July 2003		
Bangladesh			
Initial report	6 December 1985	12 March 1986 (CEDAW/C/5/Add.34)	Sixth (1987)
Second periodic report	6 December 1989	23 February 1990 (CEDAW/C/13/Add.30)	Twelfth (1993)
Third periodic report	6 December 1993	27 March 1997 (CEDAW/C/BGD/3-4)	Seventeenth (1997)
Fourth periodic report	6 December 1997	27 March 1997 (CEDAW/C/BGD/3-4)	Seventeenth (1997)
Fifth periodic report	6 December 2001	27 December 2002 (CEDAW/C/BGD/5)	Thirty-first (2004)
Sixth periodic report	6 December 2005		
Barbados			
Initial report	3 September 1982	11 April 1990 (CEDAW/C/5/Add.64)	Eleventh (1992)
Second periodic report	3 September 1986	4 December 1991 (CEDAW/C/BAR/2-3)	Thirteenth (1994)
Third periodic report	3 September 1990	4 December 1991 (CEDAW/C/BAR/2-3)	Thirteenth (1994)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	3 September 1995	24 November 2000 (CEDAW/C/BAR/4)	Exceptional (2002)
Fifth periodic report	3 September 1999		
Sixth periodic report	3 September 2003		
Belarus			
Initial report	3 September 1982	4 October 1982 (CEDAW/C/5/Add.5)	Second (1983)
Second periodic report	3 September 1986	3 March 1987 (CEDAW/C/13/Add.5)	Eighth (1989)
Third periodic report	3 September 1990	1 July 1993 (CEDAW/C/BLR/3)	Twenty-second (2000)
Fourth periodic report	3 September 1994	19 December 2002 (CEDAW/C/BLR/4-6)	Thirtieth (2004)
Fifth periodic report	3 September 1998	19 December 2002 (CEDAW/C/BLR/4-6)	Thirtieth (2004)
Sixth periodic report	3 September 2002	19 December 2002 (CEDAW/C/BLR/4-6)	Thirtieth (2004)
Belgium			
Initial report	9 August 1986	20 July 1987 (CEDAW/C/5/Add.53)	Eighth (1989)
Second periodic report	9 August 1990	9 February 1993 (CEDAW/C/BEL/2)	Fifteenth (1996)
Third periodic report	9 August 1994	29 September 1998 (CEDAW/C/BEL/3-4)	Twenty-seventh (2002)
Fourth periodic report	9 August 1998	29 September 1998 (CEDAW/C/BEL/3-4)	Twenty-seventh (2002)
Fifth periodic report	9 August 2002		
Sixth periodic report	9 August 2006		
Belize			
Initial report	15 June 1991	19 June 1996 (CEDAW/C/BLZ/1-2)	Twenty-first (1999)
Second periodic report	15 June 1995	19 June 1996 (CEDAW/C/BLZ/1-2)	Twenty-first (1999)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	15 June 1999	5 August 2005 (CEDAW/C/BLZ/3-4)	
Fourth periodic report	15 June 2003	5 August 2005 (CEDAW/C/BLZ/3-4)	
Benin			
Initial report	11 April 1993	27 June 2002 (CEDAW/C/BEN/1-3)	Thirty-third (2005)
Second periodic report	11 April 1997	27 June 2002 (CEDAW/C/BEN/1-3)	Thirty-third (2005)
Third periodic report	11 April 2001	27 June 2002 (CEDAW/C/BEN/1-3)	Thirty-third (2005)
Fourth periodic report	11 April 2005		
Bhutan			
Initial report	30 September 1982	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	Thirtieth (2004)
Second periodic report	30 September 1986	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	Thirtieth (2004)
Third periodic report	30 September 1990	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	Thirtieth (2004)
Fourth periodic report	30 September 1994	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	Thirtieth (2004)
Fifth periodic report	30 September 1998	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	Thirtieth (2004)
Sixth periodic report	30 September 2002	2 January 2003 (CEDAW/C/BTN/1-6) (CEDAW/C/BTN/1-6/Corr.1)	Thirtieth (2004)
Bolivia			
Initial report	8 July 1991	8 July 1991 (CEDAW/C/BOL/1) 26 August 1993 (CEDAW/C/BOL/1/Add.1)	Fourteenth (1995)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Second periodic report	8 July 1995	16 December 2005 (CEDAW/C/BOL/2-4)	
Third periodic report	8 July 1999	16 December 2005 (CEDAW/C/BOL/2-4)	
Fourth periodic report	8 July 2003	16 December 2005 (CEDAW/C/BOL/2-4)	
Bosnia and Herzegovina			
Initial report	1 October 1994	22 December 2004 (CEDAW/C/BIH/1-3)	Thirty-fifth (2006)
Second periodic report	1 October 1998	22 December 2004 (CEDAW/C/BIH/1-3)	Thirty-fifth (2006)
Third periodic report	1 October 2002	22 December 2004 (CEDAW/C/BIH/1-3)	Thirty-fifth (2006)
Botswana			
Initial report	12 September 1997		
Second periodic report	12 September 2001		
Third periodic report	12 September 2005		
Brazil			
Initial report	2 March 1985	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Second periodic report	2 March 1989	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Third periodic report	2 March 1993	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Fourth periodic report	2 March 1997	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Fifth periodic report	2 March 2001	7 November 2002 (CEDAW/C/BRA/1-5)	Twenty-ninth (2003)
Sixth periodic report	2 March 2005	18 August 2006 (CEDAW/C/BRA/6)	
Brunei Darussalam			
Bulgaria			
Initial report	10 March 1983	13 June 1983 (CEDAW/C/5/Add.15)	Fourth (1985)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Second periodic report	10 March 1987	6 September 1994 (CEDAW/C/BGR/2-3)	Eighteenth (1998)
Third periodic report	10 March 1991	6 September 1994 (CEDAW/C/BGR/2-3)	Eighteenth (1998)
Fourth periodic report	10 March 1995		
Fifth periodic report	10 March 1999		
Sixth periodic report	10 March 2003		
Burkina Faso			
Initial report	13 November 1988	24 May 1990 (CEDAW/C/5/Add.67)	Tenth (1991)
Second periodic report	13 November 1992	11 December 1997 (CEDAW/C/BFA/2-3)	Twenty-second (2000)
Third periodic report	13 November 1996	11 December 1997 (CEDAW/C/BFA/2-3)	Twenty-second (2000)
Fourth periodic report	13 November 2000	4 August 2003 (CEDAW/C/BFA/4-5)	Thirty-third (2005)
Fifth periodic report	13 November 2004	4 August 2003 (CEDAW/C/BFA/4-5)	Thirty-third (2005)
Burundi			
Initial report	7 February 1993	1 June 2000 (CEDAW/C/BDI/1)	Twenty-fourth (2001)
Second periodic report	7 February 1997		
Third periodic report	7 February 2001		
Fourth periodic report	7 February 2005		
Cambodia			
Initial report	14 November 1993	11 February 2004 (CEDAW/C/KHM/1-3)	Thirty-fourth (2006)
Second periodic report	14 November 1997	11 February 2004 (CEDAW/C/KHM/1-3)	Thirty-fourth (2006)
Third periodic report	14 November 2001	11 February 2004 (CEDAW/C/KHM/1-3)	Thirty-fourth (2006)
Fourth periodic report	14 November 2005		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Cameroon			
Initial report	22 September 1995	9 May 1999 (CEDAW/C/CMR/1)	Twenty-third (2000)
Second periodic report	22 September 1999		
Third periodic report	22 September 2003		
Canada			
Initial report	9 January 1983	15 July 1983 (CEDAW/C/5/Add.16)	Second (1985)
Second periodic report	9 January 1987	20 January 1988 (CEDAW/C/13/Add.11)	Ninth (1990)
Third periodic report	9 January 1991	9 September 1992 (CEDAW/C/CAN/3)	Sixteenth (1997)
Fourth periodic report	9 January 1995	2 October 1995 (CEDAW/C/CAN/4)	Sixteenth (1997)
Fifth periodic report	9 January 1999	2 April 2002 (CEDAW/C/CAN/5) 17 December 2002 (CEDAW/C/CAN/5/Add.1)	Twenty-eighth (2003)
Sixth periodic report	9 January 2003		
Cape Verde			
Initial report	3 September 1982	29 June 2005 (CEDAW/C/CPV/1-6)	Thirty-sixth (2006)
Second periodic report	3 September 1986	29 June 2005 (CEDAW/C/CPV/1-6)	Thirty-sixth (2006)
Third periodic report	3 September 1990	29 June 2005 (CEDAW/C/CPV/1-6)	Thirty-sixth (2006)
Fourth periodic report	3 September 1994	29 June 2005 (CEDAW/C/CPV/1-6)	Thirty-sixth (2006)
Fifth periodic report	3 September 1998	29 June 2005 (CEDAW/C/CPV/1-6)	Thirty-sixth (2006)
Sixth periodic report	3 September 2002	29 June 2005 (CEDAW/C/CPV/1-6)	Thirty-sixth (2006)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Central African Republic			
Initial report	21 July 1992		
Second periodic report	21 July 1996		
Third periodic report	21 July 2000		
Fourth periodic report	21 July 2004		
Chad			
Initial report	9 July 1996		
Second periodic report	9 July 2000		
Third periodic report	9 July 2004		
Chile			
Initial report	6 January 1991	3 September 1991 (CEDAW/C/CHI/1)	Fourteenth (1995)
Second periodic report	6 January 1995	9 March 1995 (CEDAW/C/CHI/2)	Twenty-first (1999)
Third periodic report	6 January 1999	1 November 1999 (CEDAW/C/CHI/3)	Twenty-first (1999)
Fourth periodic report	6 January 2003	17 May 2004 (CEDAW/C/CHI/4)	Thirty-sixth (2006)
China			
Initial report	3 September 1982	25 May 1983 (CEDAW/C/5/Add.14)	Third (1984)
Second periodic report	3 September 1986	22 June 1989 (CEDAW/C/13/Add.26)	Eleventh (1992)
Third periodic report	3 September 1990	29 May 1997 (CEDAW/C/CHN/3-4)	Twentieth (1999)
		31 August 1998 (CEDAW/C/CHN/3-4/Add.1 and Add.2)	
Fourth periodic report	3 September 1994	29 May 1997 (CEDAW/C/CHN/3-4)	Twentieth (1999)
		31 August 1998 (CEDAW/C/CHN/3-4/Add.1 and Add.2)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fifth periodic report	3 September 1998	4 February 2004 (CEDAW/C/CHN/5-6 and Add.1 and Add.2)	Twenty-sixth (2006)
Sixth periodic report	3 September 2002	4 February 2004 (CEDAW/C/CHN/5-6 and Add.1 and Add.2)	Twenty-sixth (2006)
Colombia			
Initial report	18 February 1983	16 January 1986 (CEDAW/C/5/Add.32)	Sixth (1987)
Second periodic report	18 February 1987	14 January 1993 (CEDAW/C/COL/2-3)	Thirteenth (1994)
		2 September 1993 (CEDAW/C/COL/2-3/Rev.1)	
Third periodic report	18 February 1991	14 January 1993 (CEDAW/C/COL/2-3)	Thirteenth (1994)
		2 September 1993 (CEDAW/C/COL/2-3/Rev.1)	
Fourth periodic report	18 February 1995	8 July 1997 (CEDAW/C/COL/4)	Twentieth (1999)
		13 October 1998 (CEDAW/C/COL/4/Add.1)	
Fifth periodic report	18 February 1999	6 March 2005 (CEDAW/C/COL/5-6)	
Sixth periodic report	18 February 2003	6 March 2005 (CEDAW/C/COL/5-6)	
Comoros			
Initial report	30 November 1995		
Second periodic report	30 November 1999		
Third periodic report	30 November 2003		
Congo			
Initial report	25 August 1983	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Second periodic report	25 August 1987	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	25 August 1991	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Fourth periodic report	25 August 1995	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Fifth periodic report	25 August 1999	8 April 2002 (CEDAW/C/COG/1-5)	Twenty-eighth (2003)
Sixth periodic report	25 August 2003		
Costa Rica			
Initial report	4 May 1987	10 July 2001 (CEDAW/C/CRI/1-3)	Twenty-ninth (2003)
Second periodic report	4 May 1991	10 July 2001 (CEDAW/C/CRI/1-3)	Twenty-ninth (2003)
Third periodic report	4 May 1995	10 July 2001 (CEDAW/C/CRI/1-3)	Twenty-ninth (2003)
Fourth periodic report	4 May 1999	21 November 2002 (CEDAW/C/CRI/4)	Twenty-ninth (2003)
Fifth periodic report	4 May 2003		
Côte d'Ivoire			
Initial report	17 January 1997		
Second periodic report	17 January 2001		
Third periodic report	17 January 2005		
Croatia			
Initial report	9 October 1993	10 January 1995 (CEDAW/C/CRO/1)	Eighteenth (1998)
Second periodic report	9 October 1997	17 October 2003 (CEDAW/C/CRO/2-3)	Thirty-second (2005)
Third periodic report	9 October 2001	17 October 2003 (CEDAW/C/CRO/2-3)	Thirty-second (2005)
Fourth periodic report	9 October 2005		
Cuba			
Initial report	3 September 1982	27 September 1982 (CEDAW/C/5/Add.4)	Second (1983)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Second periodic report	3 September 1986	13 March 1992 (CEDAW/C/CUB/2-3) 30 November 1995 (CEDAW/C/CUB/2-3/Add.1)	Fifteenth (1996)
Third periodic report	3 September 1990	13 March 1992 (CEDAW/C/CUB/2-3) 30 November 1995 (CEDAW/C/CUB/2-3/Add.1)	Fifteenth (1996)
Fourth periodic report	3 September 1994	27 September 1999 (CEDAW/C/CUB/4)	Twenty-third (2000)
Fifth periodic report	3 September 1998	18 January 2005 (CEDAW/C/CUB/5-6)	Thirty-sixth (2006)
Sixth periodic report	3 September 2002	18 January 2005 (CEDAW/C/CUB/5-6)	Thirty-sixth (2006)
Cyprus			
Initial report	22 August 1986	2 February 1994 (CEDAW/C/CYP/1-2)	Fifteenth (1996)
Second periodic report	22 August 1990	2 February 1994 (CEDAW/C/CYP/1-2)	Fifteenth (1996)
Third periodic report	22 August 1994	4 March 2004 (CEDAW/C/CYP/3-5)	Thirty-fifth (2006)
Fourth periodic report	22 August 1998	4 March 2004 (CEDAW/C/CYP/3-5)	Thirty-fifth (2006)
Fifth periodic report	22 August 2002	4 March 2004 (CEDAW/C/CYP/3-5)	Thirty-fifth (2006)
Sixth periodic report	22 August 2006		
Czech Republic			
Initial report	24 March 1994	30 October 1995 (CEDAW/C/CZE/1)	Eighteenth (1998)
Second periodic report	24 March 1997	10 March 2000 (CEDAW/C/CZE/2)	Exceptional (2002)
Third periodic report	24 March 2001	31 August 2004 (CEDAW/C/CZE/3)	Thirty-sixth (2006)
Fourth periodic report	24 March 2005		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Democratic People's Republic of Korea			
Initial report	27 March 2002	11 September 2002 (CEDAW/C/PRK/1)	Thirty-third (2005)
Second periodic report	27 March 2006		
Democratic Republic of the Congo[b]			
Initial report	16 November 1987	1 March 1994 (CEDAW/C/ZAR/1)	Twenty-second (2000)
Second periodic report	16 November 1991	24 October 1996 (CEDAW/C/ZAR/2)	Twenty-second (2000)
		27 August 1998 (CEDAW/C/ZAR/2/Add.1)	
Third periodic report	16 November 1995	18 June 1999 (CEDAW/C/COD/3)	Twenty-second (2000)
Fourth periodic report	16 November 1999	11 August 2004 (CEDAW/C/COD/4-5)	Thirty-sixth (2006)
Fifth periodic report	16 November 2003	11 August 2004 (CEDAW/C/COD/4-5)	Thirty-sixth (2006)
Denmark			
Initial report	21 May 1984	30 July 1984 (CEDAW/C/5/Add.22)	Fifth (1986)
Second periodic report	21 May 1988	2 June 1988 (CEDAW/C/13/Add.14)	Tenth (1991)
Third periodic report	21 May 1992	7 May 1993 (CEDAW/C/DEN/3)	Sixteenth (1997)
Fourth periodic report	21 May 1996	9 January 1997 (CEDAW/C/DEN/4)	Twenty-seventh (2002)
Fifth periodic report	21 May 2000	13 June 2000 (CEDAW/C/DEN/5)	Twenty-seventh (2002)
		10 October 2001 (CEDAW/C/DEN/5/Add.1)	Twenty-seventh (2002)
Sixth periodic report	21 May 2004	28 July 2004 (CEDAW/C/DEN/6)	Thirty-sixth (2006)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Djibouti			
Initial report	2 January 2000		
Second periodic report	2 January 2004		
Dominica			
Initial report	3 September 1982		
Second periodic report	3 September 1986		
Third periodic report	3 September 1990		
Fourth periodic report	3 September 1994		
Fifth periodic report	3 September 1998		
Sixth periodic report	3 September 2002		
Dominican Republic			
Initial report	2 October 1983	2 May 1986 (CEDAW/C/5/Add.37)	Seventh (1988)
Second periodic report	2 October 1987	26 April 1993 (CEDAW/C/DOM/2-3)	Eighteenth (1998)
Third periodic report	2 October 1991	26 April 1993 (CEDAW/C/DOM/2-3)	Eighteenth (1998)
Fourth periodic report	2 October 1995	29 October 1997 (CEDAW/C/DOM/4)	Eighteenth (1998)
Fifth periodic report	2 October 1999	11 April 2003 (CEDAW/C/DOM/5)	Thirty-first (2004)
Sixth periodic report	2 September 2003		
Ecuador			
Initial report	9 December 1982	14 August 1984 (CEDAW/C/5/Add.23)	Fifth (1986)
Second periodic report	9 December 1986	28 May 1990 (CEDAW/C/13/Add.31)	Thirteenth (1994)
Third periodic report	9 December 1990	23 December 1991 (CEDAW/C/ECU/3)	Thirteenth (1994)
Fourth periodic report	9 December 1994	8 January 2002 (CEDAW/ECU/4-5)	Twenty-ninth (2003)
Fifth periodic report	9 December 1998	8 January 2002 (CEDAW/ECU/4-5)	Twenty-ninth (2003)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Sixth periodic report	9 December 2002		
Egypt			
Initial report	18 October 1982	2 February 1983 (CEDAW/C/5/Add.10)	Third (1984)
Second periodic report	18 October 1986	19 December 1986 (CEDAW/C/13/Add.2)	Ninth (1990)
Third periodic report	18 October 1990	30 January 1996 (CEDAW/C/EGY/3)	Twenty-fourth (2001)
Fourth periodic report	18 October 1994	30 March 2000 (CEDAW/C/EGY/4-5)	Twenty-fourth (2001)
Fifth periodic report	18 October 1998	30 March 2000 (CEDAW/C/EGY/4-5)	Twenty-fourth (2001)
Sixth periodic report	18 October 2002		
El Salvador			
Initial report	18 September 1982	3 November 1983 (CEDAW/C/5/Add.19)	Fifth (1986)
Second periodic report	18 September 1986	18 December 1987 (CEDAW/C/13/Add.12)	Eleventh (1992)
Third periodic report	18 September 1990	26 July 2001 (CEDAW/C/SLV/3-4)	Twenty-eighth (2003)
Fourth periodic report	18 September 1994	26 July 2001 (CEDAW/C/SLV/3-4)	Twenty-eighth (2003)
Fifth periodic report	18 September 1998	26 July 2001 (CEDAW/C/SLV/5)	Twenty-eighth (2003)
Sixth periodic report	18 September 2002	2 November 2002 (CEDAW/C/SLV/6)	Twenty-eighth (2003)
Equatorial Guinea			
Initial report	22 November 1985	16 March 1987 (CEDAW/C/5/Add.50)	Eighth (1989)
Second periodic report	22 November 1989	6 January 1994 (CEDAW/C/GNQ/2-3)	Thirty-first (2004)
Third periodic report	22 November 1993	6 January 1994 (CEDAW/C/GNQ/2-3)	Thirty-first (2004)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	22 November 1997	22 January 2004 (CEDAW/C/GNQ/4-5)	Thirty-first (2004)
Fifth periodic report	22 November 2001	22 January 2004 (CEDAW/C/GNQ/4-5)	Thirty-first (2004)
Sixth periodic report	22 November 2005		
Eritrea			
Initial report	5 October 1996	8 January 2004 (CEDAW/C/ERI/1-3)	Thirty-fourth (2006)
Second periodic report	5 October 2000	8 January 2004 (CEDAW/C/ERI/1-3)	Thirty-fourth (2006)
Third periodic report	5 October 2004	8 January 2004 (CEDAW/C/ERI/1-3)	Thirty-fourth (2006)
Estonia			
Initial report	20 November 1992	14 June 2001 (CEDAW/C/EST/1-3)	Twenty-sixth (2002)
Second periodic report	20 November 1996	14 June 2001 (CEDAW/C/EST/1-3)	Twenty-sixth (2002)
Third periodic report	20 November 2000	14 June 2001 (CEDAW/C/EST/1-3)	Twenty-sixth (2002)
Fourth periodic report	20 November 2004	5 October 2005 (CEDAW/C/EST/4)	
Ethiopia			
Initial report	10 October 1982	22 April 1993 (CEDAW/C/ETH/1-3) 16 October 1995 (CEDAW/C/ETH/1-3/Add.1)	Fifteenth (1996)
Second periodic report	10 October 1986	22 April 1993 (CEDAW/C/ETH/1-3) 16 October 1995 (CEDAW/C/ETH/1-3/Add.1)	Fifteenth (1996)
Third periodic report	10 October 1990	22 April 1993 (CEDAW/C/ETH/1-3) 16 October 1995 (CEDAW/C/ETH/1-3/Add.1)	Fifteenth (1996)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	10 October 1994	25 September 2002 (CEDAW/C/ETH/4-5)	Thirtieth (2004)
Fifth periodic report	10 October 1998	25 September 2002 (CEDAW/C/ETH/4-5)	Thirtieth (2004)
Sixth periodic report	10 October 2002		
Fiji			
Initial report	27 September 1996	29 February 2000 (CEDAW/C/FJI/1)	Twenty-sixth (2002)
Second periodic report	27 September 2000		
Third periodic report	27 September 2004		
Finland			
Initial report	4 October 1987	16 February 1988 (CEDAW/C/5/Add.56)	Eighth (1989)
Second periodic report	4 October 1991	9 February 1993 (CEDAW/C/FIN/2)	Fourteenth (1995)
Third periodic report	4 October 1995	28 January 1997 (CEDAW/C/FIN/3)	Twenty-fourth (2001)
Fourth periodic report	4 October 1999	23 November 1999 (CEDAW/C/FIN/4)	Twenty-fourth (2001)
Fifth periodic report	4 October 2003	23 February 2004 (CEDAW/C/FIN/5)	
France			
Initial report	13 January 1985	13 February 1986 (CEDAW/5/Add.33)	Sixth (1987)
Second periodic report	13 January 1989	10 December 1990 (CEDAW/C/FRA/2) (CEDAW/C/FRA/2/Rev.1)	Twelfth (1993)
Third periodic report	13 January 1993	5 October 1999 (CEDAW/C/FRA/3-4) (CEDAW/C/FRA/3-4/Corr.1)	Twenty-ninth (2003)
Fourth periodic report	13 January 1997	5 October 1999 (CEDAW/C/FRA/3-4) (CEDAW/C/FRA/3-4/Corr.1)	Twenty-ninth (2003)
Fifth periodic report	13 January 2001	27 August 2002 (CEDAW/C/FRA/5)	Twenty-ninth (2003)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Sixth periodic report	13 January 2005	17 March 2006 (CEDAW/C/FRA/6)	
Gabon			
Initial report	20 February 1984	19 June 1987 (CEDAW/C/5/Add.54)	Eighth (1989)
Second periodic report	20 February 1988	4 June 2003 (CEDAW/C/GAB/2-5)	Thirty-second (2005)
Third periodic report	20 February 1992	4 June 2003 (CEDAW/C/GAB/2-5)	Thirty-second (2005)
Fourth periodic report	20 February 1996	4 June 2003 (CEDAW/C/GAB/2-5)	Thirty-second (2005)
Fifth periodic report	20 February 2000	4 June 2003 (CEDAW/C/GAB/2-5)	Thirty-second (2005)
Sixth periodic report	20 February 2004		
Gambia			
Initial report	16 May 1994	4 April 2003 (CEDAW/C/GMB/1-3)	Thirty-third (2005)
Second periodic report	16 May 1998	4 April 2003 (CEDAW/C/GMB/1-3)	Thirty-third (2005)
Third periodic report	16 May 2002	4 April 2003 (CEDAW/C/GMB/1-3)	Thirty-third (2005)
Fourth periodic report	16 May 2006		
Georgia			
Initial report	25 November 1995	9 March 1998 (CEDAW/C/GEO/1) 6 April 1999 (CEDAW/C/GEO/1/Add.1) 1 May 1999 (CEDAW/C/GEO/1/Add.1/Corr.1)	Twenty-first (1999)
Second periodic report	25 November 1999	16 April 2004 (CEDAW/C/GEO/2-3)	Thirty-sixth (2006)
Third periodic report	25 November 2003	16 April 2004 (CEDAW/C/GEO/2-3)	Thirty-sixth (2006)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Germany			
Initial report	9 August 1986	15 September 1988 (CEDAW/C/5/Add.59)	Ninth (1990)
Second periodic report	9 August 1990	8 October 1996 (CEDAW/C/DEU/2-3)	Twenty-second (2000)
Third periodic report	9 August 1994	8 October 1996 (CEDAW/C/DEU/2-3)	Twenty-second (2000)
Fourth periodic report	9 August 1998	27 October 1998 (CEDAW/C/DEU/4)	Twenty-second (2000)
Fifth periodic report	9 August 2002	28 January 2003 (CEDAW/DEU/5)	Thirtieth (2004)
Sixth periodic report	9 August 2006		
Ghana			
Initial report	1 February 1987	29 January 1991 (CEDAW/C/GHA/1-2)	Eleventh (1992)
Second periodic report	1 February 1991	29 January 1991 (CEDAW/C/GHA/1-2)	Eleventh (1992)
Third periodic report	1 February 1995	23 February 2005 (CEDAW/C/GHA/3-5)	Thirty-sixth (2006)
Fourth periodic report	1 February 1999	23 February 2005 (CEDAW/C/GHA/3-5)	Thirty-sixth (2006)
Fifth periodic report	1 February 2003	23 February 2005 (CEDAW/C/GHA/3-5)	Thirty-sixth (2006)
Greece			
Initial report	7 July 1984	5 April 1985 (CEDAW/C/5/Add.28)	Sixth (1987)
Second periodic report	7 July 1988	1 March 1996 (CEDAW/C/GRC/2-3)	Twentieth (1999)
Third periodic report	7 July 1992	1 March 1996 (CEDAW/C/GRC/2-3)	Twentieth (1999)
Fourth periodic report	7 July 1996	19 April 2001 (CEDAW/C/GRC/4-5)	Exceptional (2002)
Fifth periodic report	7 July 2000	19 April 2001 (CEDAW/C/GRC/4-5)	Exceptional (2002)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Sixth periodic report	7 July 2004	2 June 2005 (CEDAW/C/GRC/6)	
Grenada			
Initial report	29 September 1991		
Second periodic report	29 September 1995		
Third periodic report	29 September 1999		
Fourth periodic report	29 September 2003		
Guatemala			
Initial report	11 September 1983	2 April 1991 (CEDAW/C/GUA/1-2) 7 April 1993 (CEDAW/C/GUA/1-2/Amend.1)	Thirteenth (1994)
Second periodic report	11 September 1987	2 April 1991 (CEDAW/C/GUA/1-2) 7 April 1993 (CEDAW/C/GUA/1-2/Amend.1)	Thirteenth (1994)
Third periodic report	11 September 1991	20 March 2001 (CEDAW/C/GUA/3-4)	Exceptional (2002)
Fourth periodic report	11 September 1995	20 March 2001 (CEDAW/C/GUA/3-4)	Exceptional (2002)
Fifth periodic report	11 September 1999	15 January 2002 (CEDAW/C/GUA/5)	Exceptional (2002)
Sixth periodic report	11 September 2003	7 January 2004 (CEDAW/C/GUA/6)	Thirty-fifth (2006)
Guinea			
Initial report	8 September 1983	4 August 2000 (CEDAW/C/GIN/1-3)	Twenty-fifth (2001)
Second periodic report	8 September 1987	4 August 2000 (CEDAW/C/GIN/1-3)	Twenty-fifth (2001)
Third periodic report	8 September 1991	4 August 2000 (CEDAW/C/GIN/1-3)	Twenty-fifth (2001)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	8 September 1995	4 August 2005 (CEDAW/C/GIN/4-6)	
Fifth periodic report	8 September 1999	4 August 2005 (CEDAW/C/GIN/4-6)	
Sixth periodic report	8 September 2003	4 August 2005 (CEDAW/C/GIN/4-6)	
Guinea-Bissau			
Initial report	22 September 1986		
Second periodic report	22 September 1990		
Third periodic report	22 September 1994		
Fourth periodic report	22 September 1998		
Fifth periodic report	22 September 2002		
Guyana			
Initial report	3 September 1982	23 January 1990 (CEDAW/C/5/Add.63)	Thirteenth (1994)
Second periodic report	3 September 1986	20 September 1999 (CEDAW/C/GUY/2)	Twenty-fifth (2001)
Third periodic report	3 September 1990	27 June 2003 (CEDAW/C/GUY/3-6)	Thirty-third (2005)
Fourth periodic report	3 September 1994	27 June 2003 (CEDAW/C/GUY/3-6)	Thirty-third (2005)
Fifth periodic report	3 September 1998	27 June 2003 (CEDAW/C/GUY/3-6)	Thirty-third (2005)
Sixth periodic report	3 September 2002	27 June 2003 (CEDAW/C/GUY/3-6)	Thirty-third (2005)
Haiti			
Initial report	20 September 1982		
Second periodic report	20 September 1986		
Third periodic report	20 September 1990		
Fourth periodic report	20 September 1994		
Fifth periodic report	20 September 1998		
Sixth periodic report	20 September 2002		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Honduras			
Initial report	2 April 1984	3 December 1986 (CEDAW/C/5/Add.44)	Eleventh (1992)
Second periodic report	2 April 1988	28 October 1987 (CEDAW/C/13/Add.9)	Eleventh (1992)
Third periodic report	2 April 1992	31 May 1991 (CEDAW/C/HON/3)	Eleventh (1992)
Fourth periodic report	2 April 1996	31 January 2006 (CEDAW/C/HON/4-6)	
Fifth periodic report	2 April 2000	31 January 2006 (CEDAW/C/HON/4-6)	
Sixth periodic report	2 April 2004	31 January 2006 (CEDAW/C/HON/4-6)	
Hungary			
Initial report	3 September 1982	20 September 1982 (CEDAW/C/5/Add.3)	Third (1984)
Second periodic report	3 September 1986	29 September 1986 (CEDAW/C/13/Add.1)	Seventh (1988)
Third periodic report	3 September 1990	4 April 1991 (CEDAW/C/HUN/3)	Fifteenth (1996)
		3 November 1995 (CEDAW/C/HUN/3/Add.1)	
Fourth periodic report	3 September 1994	19 September 2000 (CEDAW/C/HUN/4-5)	Exceptional (2002)
Fifth periodic report	3 September 1998	19 September 2000 (CEDAW/C/HUN/4-5)	Exceptional (2002)
Sixth periodic report	3 September 2002	24 May 2006 (CEDAW/C/HUN/6)	
Iceland			
Initial report	18 July 1986	5 May 1993 (CEDAW/C/ICE/1-2)	Fifteenth (1996)
Second periodic report	18 July 1990	5 May 1993 (CEDAW/C/ICE/1-2)	Fifteenth (1996)
Third periodic report	18 July 1994	15 July 1998 (CEDAW/C/ICE/3-4)	Twenty-sixth (2002)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	18 July 1998	15 July 1998 (CEDAW/C/ICE/3-4)	Twenty-sixth (2002)
Fifth periodic report	18 July 2002	14 November 2003 (CEDAW/C/ICE/5)	
Sixth periodic report	18 July 2006		
India			
Initial report	8 August 1994	2 February 1999 (CEDAW/C/IND/1)	Twenty-second (2000)
Second periodic report	8 August 1998	18 October 2005 (CEDAW/C/IND/2-3)	
Third periodic report	8 August 2002	18 October 2005 (CEDAW/C/IND/2-3)	
Fourth periodic report	8 August 2006		
Indonesia			
Initial report	13 October 1985	17 March 1986 (CEDAW/C/5/Add.36)	Seventh (1988)
Second periodic report	13 October 1989	6 February 1997 (CEDAW/C/IDN/2-3)	Eighteenth (1998)
Third periodic report	13 October 1993	6 February 1997 (CEDAW/C/IDN/2-3)	Eighteenth (1998)
Fourth periodic report	13 October 1997	20 June 2005 (CEDAW/C/IDN/4-5)	
Fifth periodic report	13 October 2001	20 June 2005 (CEDAW/C/IDN/4-5)	
Sixth periodic report	13 October 2005		
Iraq			
Initial report	12 September 1987	16 May 1990 (CEDAW/C/5/Add.66/Rev.1)	Twelfth (1993)
Second periodic report	12 September 1991	13 October 1998 (CEDAW/C/IRQ/2-3)	Twenty-third (2000)
Third periodic report	12 September 1995	13 October 1998 (CEDAW/C/IRQ/2-3)	Twenty-third (2000)
Fourth periodic report	12 September 1999		
Fifth periodic report	12 September 2003		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Ireland			
Initial report	22 January 1987	18 February 1987 (CEDAW/C/5/Add.47)	Eighth (1989)
Second periodic report	22 January 1991	7 August 1997 (CEDAW/C/IRL/2-3)	Twenty-first (1999)
Third periodic report	22 January 1995	7 August 1997 (CEDAW/C/IRL/2-3)	Twenty-first (1999)
Fourth periodic report	22 January 1999	10 June 2003 (CEDAW/C/IRL/4-5)	Thirty-third (2005)
Fifth periodic report	22 January 2003	10 June 2003 (CEDAW/C/IRL/4-5)	Thirty-third (2005)
Israel			
Initial report	2 November 1992	7 April 1997 (CEDAW/C/ISR/1-2)	Seventeenth (1997)
Second periodic report	2 November 1996	7 April 1997 (CEDAW/C/ISR/1-2)	Seventeenth (1997)
Third periodic report	2 November 2000	22 October 2001 (CEDAW/C/ISR/3)	Thirty-third (2005)
Fourth periodic report	2 November 2004	1 June 2005 (CEDAW/C/ISR/4)	
Italy			
Initial report	10 July 1986	20 October 1989 (CEDAW/C/5/Add.62)	Tenth (1991)
Second periodic report	10 July 1990	1 November 1996 (CEDAW/C/ITA/2)	Seventeenth (1997)
Third periodic report	10 July 1994	9 June 1997 (CEDAW/C/ITA/3)	Seventeenth (1997)
Fourth periodic report	10 July 1998	22 December 2003 (CEDAW/C/ITA/4-5)	Thirty-second (2005)
Fifth periodic report	10 July 2002	22 December 2003 (CEDAW/C/ITA/4-5)	Thirty-second (2005)
Sixth periodic report	10 July 2006		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Jamaica			
Initial report	18 November 1985	12 September 1986 (CEDAW/C/5/Add.38)	Seventh (1988)
Second periodic report	18 November 1989	17 February 1998 (CEDAW/C/JAM/2-4)	Twenty-fourth (2001)
Third periodic report	18 November 1993	17 February 1998 (CEDAW/C/JAM/2-4)	Twenty-fourth (2001)
Fourth periodic report	18 November 1997	17 February 1998 (CEDAW/C/JAM/2-4)	Twenty-fourth (2001)
Fifth periodic report	18 November 2001	13 February 2004 (CEDAW/C/JAM/5)	Thirty-sixth (2006)
Sixth periodic report	18 November 2005		
Japan			
Initial report	25 July 1986	13 March 1987 (CEDAW/C/5/Add.48)	Seventh (1988)
Second periodic report	25 July 1990	21 February 1992 (CEDAW/C/JPN/2)	Thirteenth (1994)
Third periodic report	25 July 1994	28 October 1993 (CEDAW/C/JPN/3)	Thirteenth (1994)
Fourth periodic report	25 July 1998	24 July 1998 (CEDAW/C/JPN/4)	Twenty-ninth (2003)
Fifth periodic report	25 July 2002	13 September 2002 (CEDAW/C/JPN/5)	Twenty-ninth (2003)
Sixth periodic report	25 July 2006		
Jordan			
Initial report	31 July 1993	27 October 1997 (CEDAW/C/JOR/1)	Twenty-second (2000)
Second periodic report	31 July 1997	19 November 1999 (CEDAW/C/JOR/2)	Twenty-second (2000)
Third periodic report	31 July 2001	12 December 2005 (CEDAW/C/JOR/3-4)	
Fourth periodic report	31 July 2005	12 December 2005 (CEDAW/C/JOR/3-4)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Kazakhstan			
Initial report	25 September 1999	26 January 2000 (CEDAW/C/KAZ/1)	Twenty-fourth (2001)
Second periodic report	25 September 2003	3 March 2005 (CEDAW/C/KAZ/2)	
Kenya			
Initial report	8 April 1985	4 December 1990 (CEDAW/C/KEN/1-2)	Twelfth (1993)
Second periodic report	8 April 1989	4 December 1990 (CEDAW/C/KEN/1-2)	Twelfth (1993)
Third periodic report	8 April 1993	5 January 2000 (CEDAW/KEN/3-4)	Twenty-eighth (2003)
Fourth periodic report	8 April 1997	5 January 2000 (CEDAW/KEN/3-4)	Twenty-eighth (2003)
Fifth periodic report	8 April 2001	14 March 2006 (CEDAW/C/KEN/6)	
Sixth periodic report	8 April 2005	14 March 2006 (CEDAW/C/KEN/6)	
Kiribati			
Initial report	16 April 2005		
Kuwait			
Initial report	2 October 1995	29 August 2002 (CEDAW/C/KWT/1-2)	Thirtieth (2004)
Second periodic report	2 October 1999	29 August 2002 (CEDAW/C/KWT/1-2)	Thirtieth (2004)
Third periodic report	2 October 2003		
Kyrgyzstan			
Initial report	12 March 1998	26 August 1998 (CEDAW/C/KGZ/1)	Twentieth (1999)
Second periodic report	12 March 2002	25 September 2002 (CEDAW/C/KGZ/2) (CEDAW/C/KGZ/2/Add.1)	Thirtieth (2004)
Third periodic report	12 March 2006		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Lao People's Democratic Republic			
Initial report	13 September 1982	3 February 2003 (CEDAW/C/LAO/1-5)	Thirty-second (2005)
Second periodic report	13 September 1986	3 February 2003 (CEDAW/C/LAO/1-5)	Thirty-second (2005)
Third periodic report	13 September 1990	3 February 2003 (CEDAW/C/LAO/1-5)	Thirty-second (2005)
Fourth periodic report	13 September 1994	3 February 2003 (CEDAW/C/LAO/1-5)	Thirty-second (2005)
Fifth periodic report	13 September 1998	3 February 2003 (CEDAW/C/LAO/1-5)	Thirty-second (2005)
Sixth periodic report	13 September 2002		
Latvia			
Initial report	14 May 1993	13 June 2003 (CEDAW/C/LVA/1-3)	Thirty-first (2004)
Second periodic report	14 May 1997	13 June 2003 (CEDAW/C/LVA/1-3)	Thirty-first (2004)
Third periodic report	14 May 2001	13 June 2003 (CEDAW/C/LVA/1-3)	Thirty-first (2004)
Fourth periodic report	14 May 2005		
Lebanon			
Initial report	21 May 1998	12 November 2003 (CEDAW/LBN/1)	Thirty-third (2005)
Second periodic report	16 May 2002	12 February 2005 (CEDAW/C/LBN/2)	Thirty-third (2005)
Third periodic report	16 May 2006	6 July 2006 (CEDAW/C/LBN/3)	
Lesotho			
Initial report	21 September 1996		
Second periodic report	21 September 2000		
Third periodic report	21 September 2004		

States parties	Date due[a]	Date of submission	Considered by Committee (session (year))
Liberia			
Initial report	16 August 1985		
Second periodic report	16 August 1989		
Third periodic report	16 August 1993		
Fourth periodic report	16 August 1997		
Fifth periodic report	16 August 2001		
Sixth periodic report	16 August 2005		
Libyan Arab Jamahiriya			
Initial report	15 June 1990	18 February 1991 (CEDAW/C/LIB/1)	Thirteenth (1994)
		4 October 1993 (CEDAW/C/LIB/1/Add.1)	
Second periodic report	15 June 1994	14 December 1998 (CEDAW/C/LBY/2)	
Third periodic report	15 June 1998		
Fourth periodic report	15 June 2002		
Fifth periodic report	15 June 2006		
Liechtenstein			
Initial report	21 January 1997	4 August 1997 (CEDAW/C/LIE/1)	Twentieth (1999)
Second periodic report	21 January 2001	June 2001 (CEDAW/C/LIE/2)	
Third periodic report	21 January 2005	13 July 2006 (CEDAW/C/LIE/3)	
Lithuania			
Initial report	17 February 1995	4 June 1998 (CEDAW/C/LTU/1)	Twenty-third (2000)
Second periodic report	17 February 1999	4 April 2000 (CEDAW/C/LTU/2)	Twenty-third (2000)
Third periodic report	17 February 2003	16 May 2005 (CEDAW/C/LTU/3)	

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Luxembourg			
Initial report	4 March 1990	13 November 1996 (CEDAW/C/LUX/1)	Seventeenth (1997)
Second periodic report	4 March 1994	8 April 1997 (CEDAW/C/LUX/2)	Seventeenth (1997)
Third periodic report	4 March 1998	12 March 1998 (CEDAW/C/LUX/3)	Twenty-second (2000)
		17 June 1998 (CEDAW/C/LUX/3/Add.1)	
Fourth periodic report	4 March 2002	12 March 2002 (CEDAW/C/LUX/4)	Twenty-eighth (2003)
Fifth periodic report	4 March 2006	23 February 2006 (CEDAW/C/LUX/5)	
Madagascar			
Initial report	16 April 1990	21 May 1990 (CEDAW/C/5/Add.65)	Thirteenth (1994)
		8 November 1993 (CEDAW/C/5/Add.65/Rev.2)	
Second periodic report	16 April 1994		
Third periodic report	16 April 1998		
Fourth periodic report	16 April 2002		
Fifth periodic report	16 April 2006		
Malawi			
Initial report	11 April 1988	15 July 1988 (CEDAW/C/5/Add.58)	Ninth (1990)
Second periodic report	11 April 1992	11 June 2004 (CEDAW/C/MWI/2-5)	Thirty-fifth (2006)
Third periodic report	11 April 1996	11 June 2004 (CEDAW/C/MWI/2-5)	Thirty-fifth (2006)
Fourth periodic report	11 April 2000	11 June 2004 (CEDAW/C/MWI/2-5)	Thirty-fifth (2006)
Fifth periodic report	11 April 2004	11 June 2004 (CEDAW/C/MWI/2-5)	Thirty-fifth (2006)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Malaysia			
Initial report	4 August 1996	22 March 2004 (CEDAW/C/MYS/1-2)	Thirty-fifth (2006)
Second periodic report	4 August 2000	22 March 2004 (CEDAW/C/MYS/1-2)	Thirty-fifth (2006)
Third periodic report	4 August 2004		
Maldives			
Initial report	1 July 1994	28 January 1999 (CEDAW/C/MDV/1)	Twenty-fourth (2001)
Second periodic report	1 July 1998	25 May 2005 (CEDAW/C/MDV/2-3)	
Third periodic report	1 July 2002	25 May 2005 (CEDAW/C/MDV/2-3)	
Fourth periodic report	31 July 2006		
Mali			
Initial report	10 October 1986	13 November 1986 (CEDAW/C/5/Add.43)	Seventh (1988)
Second periodic report	10 October 1990	17 March 2004 (CEDAW/C/MLI/2-5)	Thirty-fourth (2006)
Third periodic report	10 October 1994	17 March 2004 (CEDAW/C/MLI/2-5)	Thirty-fourth (2006)
Fourth periodic report	10 October 1998	17 March 2004 (CEDAW/C/MLI/2-5)	Thirty-fourth (2006)
Fifth periodic report	10 October 2002	17 March 2004 (CEDAW/C/MLI/2-5)	Thirty-fourth (2006)
Malta			
Initial report	7 April 1992	1 August 2002 (CEDAW/C/MLT/1-3)	Thirty-first (2004)
Second periodic report	7 April 1996	1 August 2002 (CEDAW/C/MLT/1-3)	Thirty-first (2004)
Third periodic report	7 April 2000	1 August 2002 (CEDAW/C/MLT/1-3)	Thirty-first (2004)
Fourth periodic report	7 April 2004		

States parties	*Date due*ᵃ	*Date of submission*	*Considered by Committee (session (year))*
Marshall Islands			
Mauritania			
Initial report	9 June 2002	11 May 2005 (CEDAW/C/MRT/1)	
Second periodic report	9 June 2006		
Mauritius			
Initial report	8 August 1985	23 February 1992 (CEDAW/C/MAR/1-2)	Fourteenth (1995)
Second periodic report	8 August 1989	23 January 1992 (CEDAW/C/MAR/1-2)	Fourteenth (1995)
Third periodic report	8 August 1993	17 November 2004 (CEDAW/C/MAR/3-5)	Thirty-sixth (2006)
Fourth periodic report	8 August 1997	17 November 2004 (CEDAW/C/MAR/3-5)	Thirty-sixth (2006)
Fifth periodic report	8 August 2001	17 November 2004 (CEDAW/C/MAR/3-5)	Thirty-sixth (2006)
Sixth periodic report	8 August 2005		
Mexico			
Initial report	3 September 1982	14 September 1982 (CEDAW/C/5/Add.2)	Second (1983)
Second periodic report	3 September 1986	3 December 1987 (CEDAW/C/13/Add.10)	Ninth (1990)
Third periodic report	3 September 1990	7 April 1997 (CEDAW/C/MEX/3-4)	Eighteenth (1998)
		9 July 1997 (CEDAW/C/MEX/3-4/Add.1)	
Fourth periodic report	3 September 1994	7 April 1997 (CEDAW/C/MEX/3-4)	Eighteenth (1998)
		9 July 1997 (CEDAW/C/MEX/3-4/Add.1)	
Fifth periodic report	3 September 1998	1 December 2000 (CEDAW/C/MEX/5)	Exceptional (2002)
Sixth periodic report	3 September 2002	18 January 2006 (CEDAW/C/MEX/6)	Thirty-sixth (2006)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Micronesia			
Monaco			
Mongolia			
Initial report	3 September 1982	18 November 1983 (CEDAW/C/5/Add.20)	Fifth (1986)
Second periodic report	3 September 1986	17 March 1987 (CEDAW/C/13/Add.7)	Ninth (1990)
Third periodic report	3 September 1990	8 December 1998 (CEDAW/C/MNG/3-4)	Twenty-fourth (2001)
Fourth periodic report	3 September 1994	8 December 1998 (CEDAW/C/MNG/3-4)	Twenty-fourth (2001)
Fifth periodic report	3 September 1998		
Sixth periodic report	3 September 2002		
Morocco			
Initial report	21 July 1994	14 September 1994 (CEDAW/C/MOR/1)	Sixteenth (1997)
Second periodic report	21 July 1998	29 February 2000 (CEDAW/C/MOR/2)	Twenty-ninth (2003)
Third periodic report	21 July 2002	18 August 2006 (CEDAW/C/MOR/4)	
Fourth periodic report	21 July 2006	18 August 2006 (CEDAW/C/MOR/4)	
Mozambique			
Initial report	21 May 1998	5 May 2005 (CEDAW/C/MOZ/1-2)	
Second periodic report	21 May 2002	5 May 2005 (CEDAW/C/MOZ/1-2)	
Third periodic report	21 May 2006		
Myanmar			
Initial report	21 August 1998	14 March 1999 (CEDAW/C/MMR/1)	Twenty-second (2000)
Second periodic report	21 August 2002		
Third periodic report	21 August 2006		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Namibia			
Initial report	23 December 1993	4 November 1996 (CEDAW/C/NAM/1)	Seventeenth (1997)
Second periodic report	23 December 1997	24 March 2005 (CEDAW/C/NAM/2-3)	
Third periodic report	23 December 2001	24 March 2005 (CEDAW/C/NAM/2-3)	
Fourth periodic report	23 December 2005		
Nepal			
Initial report	22 May 1992	16 November 1998 (CEDAW/C/NPL/1)	Twenty-first (1999)
Second periodic report	22 May 1996	26 November 2002 (CEDAW/C/NPL/2-3)	Thirtieth (2004)
Third periodic report	22 May 2000	26 November 2002 (CEDAW/C/NPL/2-3)	Thirtieth (2004)
Fourth periodic report	22 May 2004		
Netherlands			
Initial report	22 August 1992	19 November 1992 (CEDAW/C/NET/1) 17 September 1993 (CEDAW/C/NET/1/Add.1) 20 September 1993 (CEDAW/C/NET/1/Add.2) 9 October 1993 (CEDAW/C/NET/1/Add.3)	Thirteenth (1994)
Second periodic report	22 August 1996	10 December 1998 (CEDAW/C/NET) (CEDAW/C/NET/2/Add.1) (CEDAW/C/NET/2/Add.2)	Twenty-fifth (2001)
Third periodic report	22 August 2000	13 November 2000 (CEDAW/C/NET/3) 8 November 2000 (CEDAW/C/NET/3/Add.1) 8 November 2000 (CEDAW/C/NET/3/Add.2)	Twenty-fifth (2001)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	22 August 2004	24 January 2005 (CEDAW/C/NLD/4)	
		9 May 2005 (CEDAW/C/NLD/4/Add.1)	
New Zealand			
Initial report	9 February 1986	3 October 1986 (CEDAW/C/5/Add.41)	Seventh (1988)
Second periodic report	9 February 1990	3 November 1992 (CEDAW/C/NZL/2)	Thirteenth (1994)
		27 October 1993 (CEDAW/C/NZL/2/Add.1)	
Third periodic report	9 February 1994	2 March 1998 (CEDAW/C/NZL/3-4)	Nineteenth (1998)
		15 April 1998 (CEDAW/C/NZL/3-4/Add.1)	
Fourth periodic report	9 February 1998	2 March 1998 (CEDAW/C/NZL/3-4)	Nineteenth (1998)
		15 April 1998 (CEDAW/C/NZL/3-4/Add.1)	
Fifth periodic report	9 February 2002	7 October 2002 (CEDAW/C/NZL/5)	Twenty-ninth (2003)
Sixth periodic report	9 February 2006	20 April 2006 (CEDAW/C/NZL/6)	
Nicaragua			
Initial report	26 November 1982	22 September 1987 (CEDAW/C/5/Add.55)	Eighth (1989)
Second periodic report	26 November 1986	16 March 1989 (CEDAW/C/13/Add.20)	Twelfth (1993)
Third periodic report	26 November 1990	15 October 1992 (CEDAW/C/NIC/3)	Twelfth (1993)
Fourth periodic report	26 November 1994	16 June 1998 (CEDAW/C/NIC/4)	Twenty-fifth (2001)
Fifth periodic report	26 November 1998	2 September 1999 (CEDAW/C/NIC/5)	Twenty-fifth (2001)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Sixth periodic report	26 November 2002	15 June 2005 (CEDAW/C/NIC/6)	
Niger			
Initial report	8 November 2000	19 July 2005 (CEDAW/C/NER/1-2)	
Second periodic report	8 November 2004	19 July 2005 (CEDAW/C/NER/1-2)	
Nigeria			
Initial report	13 July 1986	1 April 1987 (CEDAW/C/5/Add.49)	Seventh (1988)
Second periodic report	13 July 1990	13 February 1997 (CEDAW/C/NGA/2-3)	Nineteenth (1998)
Third periodic report	13 July 1994	13 February 1997 (CEDAW/C/NGA/2-3)	Nineteenth (1998)
Fourth periodic report	13 July 1998	23 January 2003 (CEDAW/C/NGA/4-5)	Thirtieth (2004)
Fifth periodic report	13 July 2002	23 January 2003 (CEDAW/C/NGA/4-5)	Thirtieth (2004)
Sixth periodic report	13 July 2006		
Norway			
Initial report	20 June 1982	3 September 1986 (CEDAW/C/5/Add.7)	Third (1984)
Second periodic report	20 June 1986	23 June 1988 (CEDAW/C/13/Add.15)	Tenth (1991)
Third periodic report	20 September 1990	25 January 1991 (CEDAW/C/NOR/3)	Fourteenth (1995)
Fourth periodic report	20 September 1994	1 September 1994 (CEDAW/C/NOR/4)	Fourteenth (1995)
Fifth periodic report	20 September 1998	23 March 2000 (CEDAW/C/NOR/5)	Twenty-eighth (2003)
Sixth periodic report	20 September 2002	5 June 2002 (CEDAW/C/NOR/6)	Twenty-eighth (2003)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Oman			
Pakistan			
Initial report	11 June 1997	28 July 2005 (CEDAW/C/PAK/1-3)	
Second periodic report	11 June 2001	28 July 2005 (CEDAW/C/PAK/1-3)	
Third periodic report	11 June 2005	28 July 2005 (CEDAW/C/PAK/1-3)	
Panama			
Initial report	28 November 1982	12 December 1982 (CEDAW/C/5/Add.9)	Fourth (1985)
Second periodic report	28 November 1986	17 January 1997 (CEDAW/C/PAN/2-3)	Nineteenth (1998)
Third periodic report	28 November 1990	17 January 1997 (CEDAW/C/PAN/2-3)	Nineteenth (1998)
Fourth periodic report	28 November 1994		
Fifth periodic report	28 November 1998		
Sixth periodic report	28 November 2002		
Papua New Guinea			
Initial report	11 February 1996		
Second periodic report	11 February 2000		
Third periodic report	11 February 2004		
Paraguay			
Initial report	6 May 1988	4 June 1992 (CEDAW/C/PAR/1-2) 23 August 1995 (CEDAW/C/PAR/1-2/Add.1) 20 November 1995 (CEDAW/C/PAR/1-2/Add.2)	Fifteenth (1996)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Second periodic report	6 May 1992	4 June 1992 (CEDAW/C/PAR/1-2)	Fifteenth (1996)
		23 August 1995 (CEDAW/C/PAR/1-2/Add.1)	
		20 November 1995 (CEDAW/C/PAR/1-2/Add.2)	
Third periodic report	6 May 1996	28 August 2003 (CEDAW/C/PAR/3-4)	Thirty-second (2005)
Fourth periodic report	6 May 2000	28 August 2003 (CEDAW/C/PAR/3-4)	Thirty-second (2005)
Fifth periodic report	6 May 2004	25 May 2004 (CEDAW/C/PAR/5)	Thirty-second (2005)
Peru			
Initial report	13 October 1983	14 September 1988 (CEDAW/C/5/Add.60)	Ninth (1990)
Second periodic report	13 October 1987	13 February 1990 (CEDAW/C/13/Add.29)	Fourteenth (1995)
Third periodic report	13 October 1991	25 November 1994 (CEDAW/C/PER/3-4)	Nineteenth (1998)
Fourth periodic report	13 October 1995	25 November 1994 (CEDAW/C/PER/3-4)	Nineteenth (1998)
Fifth periodic report	13 October 1999	21 July 2000 (CEDAW/C/PER/5)	Exceptional (2002)
Sixth periodic report	13 October 2003	3 February 2004 (CEDAW/C/PER/6)	
Philippines			
Initial report	4 September 1982	22 October 1982 (CEDAW/C/5/Add.6)	Third (1984)
Second periodic report	4 September 1986	12 December 1988 (CEDAW/C/13/Add.17)	Tenth (1991)
Third periodic report	4 September 1990	20 January 1993 (CEDAW/C/PHI/3)	Sixteenth (1997)
Fourth periodic report	4 September 1994	22 April 1996 (CEDAW/C/PHI/4)	Sixteenth (1997)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fifth periodic report	4 September 1998	27 July 2004 (CEDAW/C/PHI/5-6)	Thirty-sixth (2006)
Sixth periodic report	4 September 2002	26 July 2004 (CEDAW/C/PHI/5-6)	Thirty-sixth (2006)
Poland			
Initial report	3 September 1982	10 October 1985 (CEDAW/C/5/Add.31)	Sixth (1987)
Second periodic report	3 September 1986	17 November 1988 (CEDAW/C/13/Add.16)	Tenth (1991)
Third periodic report	3 September 1990	22 November 1990 (CEDAW/C/18/Add.2)	Tenth (1991)
Fourth periodic report	3 September 1994	29 November 2004 (CEDAW/C/POL/4-5)	
Fifth periodic report	3 September 1998	29 November 2004 (CEDAW/C/POL/4-5)	
Sixth periodic report	3 September 2002	29 November 2004 (CEDAW/C/POL/6)	
Portugal			
Initial report	3 September 1982	19 July 1983 (CEDAW/C/5/Add.21)	Fifth (1986)
Second periodic report	3 September 1986	18 May 1989 (CEDAW/C/13/Add.22)	Tenth (1991)
Third periodic report	3 September 1990	10 December 1990 (CEDAW/C/18/Add.3)	Tenth (1991)
Fourth periodic report	3 September 1994	23 November 1999 (CEDAW/C/PRT/4)	Twenty-sixth (2002)
Fifth periodic report	3 September 1998	13 June 2001 (CEDAW/C/PRT/5)	Twenty-sixth (2002)
Sixth periodic report	3 September 2002	15 May 2006 (CEDAW/C/PRT/6)	
Republic of Korea			
Initial report	26 January 1986	13 March 1986 (CEDAW/C/5/Add.35)	Sixth (1987)
Second periodic report	26 January 1990	19 December 1989 (CEDAW/C/13/Add.28)	Twelfth (1993)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	26 January 1994	8 September 1994 (CEDAW/C/KOR/3)	Nineteenth (1998)
Fourth periodic report	26 January 1998	27 March 1998 (CEDAW/C/KOR/4)	Nineteenth (1998)
Fifth periodic report	26 January 2002	23 July 2003 (CEDAW/C/KOR/6)	
Sixth periodic report	26 January 2006	23 July 2006 (CEDAW/C/KOR/6)	
Republic of Moldova			
Initial report	31 July 1995	26 October 1998 (CEDAW/C/MDA/1)	Twenty-third (2000)
Second periodic report	31 July 1999	1 October 2004 (CEDAW/C/MDA/2-3)	Thirty-sixth (2006)
Third periodic report	31 July 2003	1 October 2004 (CEDAW/C/MDA/2-3)	Thirty-sixth (2006)
Romania			
Initial report	6 February 1983	14 January 1987 (CEDAW/C/5/Add.45)	Twelfth (1993)
Second periodic report	6 February 1987	19 October 1992 (CEDAW/C/ROM/2-3)	Twelfth (1993)
Third periodic report	6 February 1991	19 October 1992 (CEDAW/C/ROM/2-3)	Twelfth (1993)
Fourth periodic report	6 February 1995	10 December 1998 (CEDAW/C/ROM/4-5)	Twenty-third (2000)
Fifth periodic report	6 February 1999	10 December 1998 (CEDAW/C/ROM/4-5)	Twenty-third (2000)
Sixth periodic report	6 February 2003	10 December 2003 (CEDAW/C/ROM/6)	Thirty-fifth (2006)
Russian Federation			
Initial report	3 September 1982	2 March 1983 (CEDAW/C/5/Add.12)	Second (1983)
Second periodic report	3 September 1986	10 February 1987 (CEDAW/C/13/Add.4)	Eighth (1989)
Third periodic report	3 September 1990	24 July 1991 (CEDAW/C/USR/3)	Fourteenth (1995)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	3 September 1994	31 August 1994 (CEDAW/C/USR/4)	Fourteenth (1995)
Fifth periodic report	3 September 1998	3 March 1999 (CEDAW/C/USR/5)	Twenty-sixth (2002)
Sixth periodic report	3 September 2002		
Rwanda			
Initial report	3 September 1982	24 May 1983 (CEDAW/C/5/Add.13)	Third (1984)
Second periodic report	3 September 1986	7 March 1988 (CEDAW/C/13/Add.13)	Tenth (1991)
Third periodic report	3 September 1990	18 January 1991 (CEDAW/C/RWA/3)	Twelfth (1993)
Fourth periodic report	3 September 1994		
Fifth periodic report	3 September 1998		
Sixth periodic report	3 September 2002		
Saint Kitts and Nevis			
Initial report	25 May 1986	18 January 2002 (CEDAW/C/KNA/1-4)	Twenty-seventh (2002)
Second periodic report	25 May 1990	18 January 2002 (CEDAW/C/KNA/1-4)	Twenty-seventh (2002)
Third periodic report	25 May 1994	18 January 2002 (CEDAW/C/KNA/1-4)	Twenty-seventh (2002)
Fourth periodic report	25 May 1998	18 January 2002 (CEDAW/C/KNA/1-4)	Twenty-seventh (2002)
Fifth periodic report	25 May 2002		
Sixth periodic report	25 May 2006		
Saint Lucia			
Initial report	7 November 1983	7 September 2005 (CEDAW/C/LCA/1-6)	Thirty-fifth (2006)
Second periodic report	7 November 1987	7 September 2005 (CEDAW/C/LCA/1-6)	Thirty-fifth (2006)
Third periodic report	7 November 1991	7 September 2005 (CEDAW/C/LCA/1-6)	Thirty-fifth (2006)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	7 November 1995	7 September 2005 (CEDAW/C/LCA/1-6)	Thirty-fifth (2006)
Fifth periodic report	7 November 1999	7 September 2005 (CEDAW/C/LCA/1-6)	Thirty-fifth (2006)
Sixth periodic report	7 November 2003	7 September 2005 (CEDAW/C/LCA/1-6)	Thirty-fifth (2006)
Saint Vincent and the Grenadines			
Initial report	3 September 1982	27 September 1991 (CEDAW/C/STV/1-3) 28 July 1994 (CEDAW/C/STV/1-3/Add.1)	Sixteenth (1997)
Second periodic report	3 September 1986	27 September 1991 (CEDAW/C/STV/1-3) 28 July 1994 (CEDAW/C/STV/1-3/Add.1)	Sixteenth (1997)
Third periodic report	3 September 1990	27 September 1991 (CEDAW/C/STV/1-3) 28 July 1994 (CEDAW/C/STV/1-3/Add.1)	Sixteenth (1997)
Fourth periodic report	3 September 1994		
Fifth periodic report	3 September 1998		
Sixth periodic report	3 September 2002		
Samoa			
Initial report	25 October 1993	2 May 2003 (CEDAW/C/WSM/1-3)	Thirty-second (2005)
Second periodic report	25 October 1997	2 May 2003 (CEDAW/C/WSM/1-3)	
Third periodic report	25 October 2001	2 May 2003 (CEDAW/C/WSM/1-3)	
Fourth periodic report	25 October 2005		
San Marino			
Initial report	9 January 2005		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Sao Tome and Principe			
Initial report	3 July 2004		
Saudi Arabia			
Initial report	7 October 2001		
Second periodic report	7 October 2005		
Senegal			
Initial report	7 March 1986	5 November 1986 (CEDAW/C/5/Add.42)	Seventh (1988)
Second periodic report	7 March 1990	23 September 1991 (CEDAW/C/SEN/2) (CEDAW/C/SEN/2/Amend.1)	Thirteenth (1994)
Third periodic report	7 March 1994		
Fourth periodic report	7 March 1998		
Fifth periodic report	7 March 2002		
Sixth periodic report	7 March 2006		
Serbia			
Initial report	11 April 2002	4 May 2006 (CEDAW/C/SGC/1)	
Second periodic report	11 April 2006		
Seychelles			
Initial report	4 June 1993		
Second periodic report	4 June 1997		
Third periodic report	4 June 2001		
Fourth periodic report	4 June 2005		
Sierra Leone			
Initial report	11 December 1989		
Second periodic report	11 December 1993		
Third periodic report	11 December 1997		
Fourth periodic report	11 December 2001		
Fifth periodic report	11 December 2005		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Singapore			
Initial report	4 November 1996	1 December 1999 (CEDAW/C/SGP/1)	Twenty-fifth (2001)
Second periodic report	4 November 2000	16 April 2001 (CEDAW/C/SGP/2)	Twenty-fifth (2001)
Third periodic report	4 November 2004	1 November 2004 (CEDAW/C/SGP/3)	
Slovakia			
Initial report	27 June 1994	29 April 1996 (CEDAW/C/SVK/1)	Nineteenth (1998)
		11 May 1998 (CEDAW/C/SVK/1/Add.1)	
Second periodic report	27 June 1998		
Third periodic report	27 June 2002		
Fourth periodic report	27 June 2006		
Slovenia			
Initial report	5 August 1993	23 November 1993 (CEDAW/C/SVN/1)	Sixteenth (1997)
Second periodic report	5 August 1997	26 April 1999 (CEDAW/C/SVN/2)	Twenty-ninth (2003)
Third periodic report	5 August 2001	4 December 2002 (CEDAW/C/SVN/3)	Twenty-ninth (2003)
Fourth periodic report	5 August 2005	10 August 2006 (CEDAW/C/SVN/4)	
Solomon Islands			
Initial report	6 June 2003		
South Africa			
Initial report	14 January 1997	5 February 1998 (CEDAW/C/ZAF/1)	Nineteenth (1998)
Second periodic report	14 January 2001		
Third periodic report	14 January 2005		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Spain			
Initial report	4 February 1985	20 August 1985 (CEDAW/C/5/Add.30)	Sixth (1987)
Second periodic report	4 February 1989	9 February 1989 (CEDAW/C/13/Add.19)	Eleventh (1992)
Third periodic report	4 February 1993	20 May 1996 (CEDAW/C/ESP/3)	Twenty-first (1999)
Fourth periodic report	4 February 1997	20 October 1998 (CEDAW/C/ESP/4)	Twenty-first (1999)
Fifth periodic report	4 February 2001	11 April 2003 (CEDAW/C/ESP/5)	Thirty-first (2004)
Sixth periodic report	4 February 2005		
Sri Lanka			
Initial report	4 November 1982	7 July 1985 (CEDAW/C/5/Add.29)	Sixth (1987)
Second periodic report	4 November 1986	29 December 1988 (CEDAW/C/13/Add.18)	Eleventh (1992)
Third periodic report	4 November 1990	7 October 1999 (CEDAW/C/LKA/3-4)	Twenty-sixth (2002)
Fourth periodic report	4 November 1994	7 October 1999 (CEDAW/C/LKA/3-4)	Twenty-sixth (2002)
Fifth periodic report	4 November 1998		
Sixth periodic report	4 November 2002		
Suriname			
Initial report	31 March 1994	13 February 2002 (CEDAW/C/SUR/1-2)	Twenty-seventh (2002)
Second periodic report	31 March 1998	13 February 2002 (CEDAW/C/SUR/1-2)	Twenty-seventh (2002)
Third periodic report	31 March 2002	26 April 2005 (CEDAW/C/SUR/3)	
Fourth periodic report	31 March 2006		
Swaziland			
Initial report	25 April 2005		

States parties	*Date due***	*Date of submission*	*Considered by Committee (session (year))*
Sweden			
Initial report	3 September 1982	22 October 1982 (CEDAW/C/5/Add.8)	Second (1983)
Second periodic report	3 September 1986	10 March 1987 (CEDAW/C/13/Add.6)	Seventh (1988)
Third periodic report	3 September 1990	3 October 1990 (CEDAW/C/18/Add.1)	Twelfth (1993)
Fourth periodic report	3 September 1994	21 May 1996 (CEDAW/C/SWE/4)	Twenty-fifth (2001)
Fifth periodic report	3 September 1998	8 December 2000 (CEDAW/C/SWE/5)	Twenty-fifth (2001)
Sixth periodic report	3 September 2002		
Switzerland			
Initial report	26 April 1998	20 February 2002 (CEDAW/C/CHE/1-2)	Twenty-eighth (2003)
Second periodic report	26 April 2002	20 February 2002 (CEDAW/C/CHE/1-2)	Twenty-eighth (2003)
Third periodic report	26 April 2006		
Syrian Arab Republic			
Initial report	27 April 2004	25 August 2005 (CEDAW/C/SYR/1)	
Tajikistan			
Initial report	25 October 1994	5 May 2005 (CEDAW/C/TJK/1-3)	
Second periodic report	25 October 1998	5 May 2005 (CEDAW/C/TJK/1-3)	
Third periodic report	25 October 2002	5 May 2005 (CEDAW/C/TJK/1-3)	
Thailand			
Initial report	8 September 1986	1 June 1987 (CEDAW/C/5/Add.51)	Ninth (1990)
Second periodic report	8 September 1990	3 March 1997 (CEDAW/C/THA/2-3)	Twentieth (1999)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Third periodic report	8 September 1994	3 March 1997 (CEDAW/C/THA/2-3)	Twentieth (1999)
Fourth periodic report	8 September 1998	7 October 2003 (CEDAW/C/THA/4-5)	
Fifth periodic report	8 September 2002	7 October 2003 (CEDAW/C/THA/4-5)	
The former Yugoslav Republic of Macedonia			
Initial report	17 February 1995	26 May 2004 (CEDAW/C/MCD/1-3)	Thirty-fourth (2006)
Second periodic report	17 February 1999	26 May 2004 (CEDAW/C/MCD/1-3)	Thirty-fourth (2006)
Third periodic report	17 February 2003	26 May 2004 (CEDAW/C/MCD/1-3)	Thirty-fourth (2006)
Timor-Leste			
Initial report	16 May 2004		
Togo			
Initial report	26 October 1984	11 March 2004 (CEDAW/C/TGO/1-5)	Thirty-fourth (2006)
Second periodic report	26 October 1988	11 March 2004 (CEDAW/C/TGO/1-5)	Thirty-fourth (2006)
Third periodic report	26 October 1992	11 March 2004 (CEDAW/C/TGO/1-5)	Thirty-fourth (2006)
Fourth periodic report	26 October 1996	11 March 2004 (CEDAW/C/TGO/1-5)	Thirty-fourth (2006)
Fifth periodic report	26 October 2000	11 March 2004 (CEDAW/C/TGO/1-5)	Thirty-fourth (2006)
Sixth periodic report	26 October 2004		
Trinidad and Tobago			
Initial report	11 February 1991	23 January 2001 (CEDAW/C/TTO/1-3)	Twenty-sixth (2002)
Second periodic report	11 February 1995	23 January 2001 (CEDAW/C/TTO/1-3)	Twenty-sixth (2002)
Third periodic report	11 February 1999	23 January 2001 (CEDAW/C/TTO/1-3)	Twenty-sixth (2002)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	11 February 2003		
Tunisia			
Initial report	20 October 1986	17 September 1993 (CEDAW/C/TUN/1-2)	Fourteenth (1995)
Second periodic report	20 October 1990	17 September 1993 (CEDAW/C/TUN/1-2)	Fourteenth (1995)
Third periodic report	20 October 1994	27 July 2000 (CEDAW/C/TUN/3-4)	Twenty-seventh (2002
Fourth periodic report	20 October 1998	27 July 2000 (CEDAW/C/TUN/3-4)	Twenty-seventh (2002
Fifth periodic report	20 October 2002		
Turkey			
Initial report	19 January 1987	27 January 1987 (CEDAW/C/5/Add.46)	Ninth (1990)
Second periodic report	19 January 1991	3 September 1996 (CEDAW/C/TUR/2-3) 23 December 1996 (CEDAW/C/TUR/2/Corr.1)	Sixteenth (1997)
Third periodic report	19 January 1995	3 September 1996 (CEDAW/C/TUR/2-3)	Sixteenth (1997)
Fourth periodic report	19 January 1999	31 July 2003 (CEDAW/C/TUR/4-5)	Thirty-second (2005)
Fifth periodic report	19 January 2003	31 July 2003 (CEDAW/C/TUR/4-5)	Thirty-second (2005)
Turkmenistan			
Initial report	31 May 1998	3 November 2004 (CEDAW/C/TKM/1-2)	Thirty-fifth (2006)
Second periodic report	31 May 2002	3 November 2004 (CEDAW/C/TKM/1-2)	Thirty-fifth (2006)
Third periodic report	31 May 2006		
Tuvalu			
Initial report	6 November 2000		
Second periodic report	6 November 2004		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Uganda			
Initial report	21 August 1986	1 June 1992 (CEDAW/C/UGA/1-2)	Fourteenth (1995)
		13 September 1994 (CEDAW/C/UGA/1-2/Add.1)	
Second periodic report	21 August 1990	1 June 1992 (CEDAW/C/UGA/1-2)	Fourteenth (1995)
		13 September 1994 (CEDAW/C/UGA/1-2/Add.1)	
Third periodic report	21 August 1994	22 May 2000 (CEDAW/C/UGA/3)	Exceptional (2002)
Fourth periodic report	21 August 1998		
Fifth periodic report	21 August 2002		
Sixth periodic report	21 August 2006		
Ukraine			
Initial report	3 September 1982	2 March 1983 (CEDAW/C/5/Add.11)	Second (1983)
Second periodic report	3 September 1986	13 August 1987 (CEDAW/C/13/Add.8)	Ninth (1990)
Third periodic report	3 September 1990	31 May 1991 (CEDAW/C/UKR/3)	Fifteenth (1996)
		21 November 1995 (CEDAW/C/UKR/3/Add.1)	
Fourth periodic report	3 September 1994	2 August 1999 (CEDAW/C/UKR/4-5) (CEDAW/C/UKR/4-5/Corr.1)	Twenty-seventh (2002)
Fifth periodic report	3 September 1998	2 August 1999 (CEDAW/C/UKR/4-5)	Twenty-seventh (2002)
Sixth periodic report	3 September 2002		
United Arab Emirates			
United Kingdom of Great Britain and Northern Ireland			
Initial report	7 May 1987	25 June 1987 (CEDAW/C/5/Add.52)	Ninth (1990)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Second periodic report	7 May 1991	11 May 1991 (CEDAW/C/UK/2)	Twelfth (1993)
Third periodic report	7 May 1995	16 August 1995 (CEDAW/C/UK/3)	Twenty-first (1999)
		7 August 1997 (CEDAW/C/UK/3/Add.1)	
		14 July 1998 (CEDAW/C/UK/3/Add.2)	
Fourth periodic report	7 May 1999	19 January 1999 (CEDAW/C/UK/4 and Add.1-4)	Twenty-first (1999)
Fifth periodic report	7 May 2003	7 August 2003 (CEDAW/C/UK/5 and Add.1 and 2)	
United Republic of Tanzania			
Initial report	19 September 1986	9 March 1988 (CEDAW/C/5/Add.57)	Ninth (1990)
Second periodic report	19 September 1990	25 September 1996 (CEDAW/C/TZA/2-3)	Nineteenth (1998)
Third periodic report	19 September 1994	25 September 1996 (CEDAW/C/TZA/2-3)	Nineteenth (1998)
Fourth periodic report	19 September 1998		
Fifth periodic report	19 September 2002		
Uruguay			
Initial report	8 November 1982	23 November 1984 (CEDAW/C/5/Add.27)	Seventh (1988)
Second periodic report	8 November 1986	8 February 1999 (CEDAW/C/URY/2-3)	Twenty-sixth (2002)
Third periodic report	8 November 1990	8 February 1999 (CEDAW/C/URY/2-3)	Twenty-sixth (2002)
Fourth periodic report	8 November 1994		
Fifth periodic report	8 November 1998		
Sixth periodic report	8 November 2002		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Uzbekistan			
Initial report	18 August 1996	19 January 2000 (CEDAW/C/UZB/1)	Twenty-fourth (2001)
Second periodic report	18 August 2000	11 October 2004 (CEDAW/C/UZB/2-3)	Thirty-sixth (2006)
Third periodic report	18 August 2004	11 October 2004 (CEDAW/C/UZB/2-3)	Thirty-sixth (2006)
Vanuatu			
Initial report	8 October 1996	2 March 2005 (CEDAW/C/VUT/1-3)	
Second periodic report	8 October 2000	2 March 2005 (CEDAW/C/VUT/1-3)	
Third periodic report	8 October 2004	2 March 2005 (CEDAW/C/VUT/1-3)	
Venezuela (Bolivarian Republic of)			
Initial report	1 June 1984	27 August 1984 (CEDAW/C/5/Add.24)	Fifth (1986)
Second periodic report	1 June 1988	18 April 1989 (CEDAW/C/13/Add.21)	Eleventh (1992)
Third periodic report	1 June 1992	8 February 1995 (CEDAW/C/VEN/3)	Sixteenth (1997)
Fourth periodic report	1 June 1996	25 June 2004 (CEDAW/C/VEN/4-6)	Thirty-fourth (2006)
Fifth periodic report	1 June 2000	25 June 2004 (CEDAW/C/VEN/4-6)	Thirty-fourth (2006)
Sixth periodic report	1 June 2004	25 June 2004 (CEDAW/C/VEN/4-6)	Thirty-fourth (2006)
Viet Nam			
Initial report	19 March 1983	2 October 1984 (CEDAW/C/5/Add.25)	Fifth (1986)
Second periodic report	19 March 1987	2 November 1999 (CEDAW/C/VNM/2)	Twenty-fifth (2001)
Third periodic report	19 March 1991	6 October 2000 (CEDAW/C/VNM/3-4)	Twenty-fifth (2001)

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	19 March 1995	6 October 2000 (CEDAW/C/VNM/3-4)	Twenty-fifth (2001)
Fifth periodic report	19 March 1999	15 June 2005 (CEDAW/C/VNM/5-6)	
Sixth periodic report	19 March 2003	15 June 2005 (CEDAW/C/VNM/5-6)	
Yemen			
Initial report	29 June 1985	23 January 1989 (CEDAW/C/5/Add.61)	Twelfth (1993)
Second periodic report	29 June 1989	8 June 1989 (CEDAW/C/13/Add.24)	Twelfth (1993)
Third periodic report	29 June 1993	13 November 1992 (CEDAW/C/YEM/3)	Twelfth (1993)
Fourth periodic report	29 June 1997	8 March 2000 (CEDAW/C/YEM/4)	Exceptional (2002)
Fifth periodic report	29 June 2001	January 2002 (CEDAW/C/YEM/5)	Exceptional (2002)
Sixth periodic report	29 June 2005		
Zambia			
Initial report	21 July 1986	6 March 1991 (CEDAW/C/ZAM/1-2)	Thirteenth (1994)
Second periodic report	21 July 1990	6 March 1991 (CEDAW/C/ZAM/1-2)	Thirteenth (1994)
Third periodic report	21 July 1994	12 August 1999 (CEDAW/C/ZAM/3-4)	Twenty-seventh (200
Fourth periodic report	21 July 1998	12 August 1999 (CEDAW/C/ZAM/3-4)	Twenty-seventh (200
Fifth periodic report	21 July 2002		
Sixth periodic report	21 July 2006		
Zimbabwe			
Initial report	12 June 1992	28 April 1996 (CEDAW/C/ZWE/1)	Eighteenth (1998)
Second periodic report	12 June 1996		
Third periodic report	12 June 2000		

States parties	*Date due*[a]	*Date of submission*	*Considered by Committee (session (year))*
Fourth periodic report	12 June 2004		
Reports submitted on an exceptional basis			
Bosnia and Herzegovina		1 February 1994 (oral report; see CEDAW/C/SR.253)	Thirteenth (1994)
Democratic Republic of the Congo		16 January 1997 (oral report; see CEDAW/C/SR.317)	Sixteenth (1997)
Croatia		6 December 1994 (CEDAW/C/CRO/SP.1)	Fourteenth (1995)
Rwanda		31 January 1996 (oral report; see CEDAW/C/SR.306)	Fifteenth (1996)
Federal Republic of Yugoslavia (Serbia and Montenegro)		2 December 1993 (CEDAW/C/YUG/SP)	Thirteenth (1994)
		12 February 1994 (oral report; see CEDAW/C/SR.254)	

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[a] One year prior to the due date, the Secretary-General invites the State party to submit its report.

[b] Effective 17 May 1997, Zaire was renamed Democratic Republic of the Congo.

Annex VII

Statement by the Committee regarding the situation of women in the Middle East

The Committee on the Elimination of Discrimination against Women, during its thirty-sixth session, held from 7 to 25 August 2006, expresses its serious concern over the hostilities which have taken place in the Middle East and which have caused hundreds of deaths and injuries among civilians, which include women and children, extensive damage to infrastructure, loss of livelihood and the displacement of hundreds of thousands of persons.

The Committee has taken note of the statements of the United Nations High Commissioner for Human Rights of 31 July 2006 and 11 August 2006, as well as the extreme concern expressed by the Representative of the Secretary-General on human rights of internally displaced persons, as well as the statements of the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on adequate housing, and the Special Rapporteur on the right to food.

The Committee has further taken note of the resolution of the Human Rights Council of 11 August 2006 and of Security Council resolution 1701 (2006) of 11 August 2006, which includes a call for a full cessation of hostilities. It welcomes the resolve of the international community to assist the Government of Lebanon with humanitarian and financial assistance to enable it to deal with the worsening humanitarian disaster, rehabilitation of victims, return of displaced persons and restoration of essential infrastructure.

Both Israel and Lebanon are long-time States parties to the Convention on the Elimination of All Forms of Discrimination against Women (3 October 1991 and 16 April 1997, respectively) and have, thereby, accepted the obligation to implement the provisions of the Convention. Both States have recently presented their periodic reports to the Committee.

The Committee calls upon all parties concerned to place special emphasis in all their current and future actions and activities on the respect for and protection of international human rights standards and norms, in particular those laid out in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, which are an inalienable, integral and indivisible part of universal human rights.

The Committee also calls upon all parties to comply with their obligations under the Convention on the Elimination of All Forms of Discrimination against Women and to also abide scrupulously by the provisions of Security Council resolution 1325 (2000) on women, peace and security, which have direct relevance to article 3, article 4, paragraph 1, and article 7 of the Convention. It encourages all parties to ensure women's full and equal participation in all aspects of peace, security and public life, and in particular to address the special needs of displaced women and children.

Annex VIII

Views of the Committee in respect of communications under article 7, paragraph 3, of the Optional Protocol to the Convention

A. Views of the Committee in respect of communication No. 3/2004

Submitted by:	Ms. Dung Thi Thuy Nguyen
Alleged victim:	The author
State party:	The Netherlands
Date of communication:	8 December 2003 (initial submission)

On 14 August 2006, the Committee on the Elimination of Discrimination against Women adopted the text set out below as the Committee's views under article 7, paragraph 3, of the Optional Protocol in respect of communication No. 3/2004.*

The Committee on the Elimination of Discrimination against Women, established under article 17 of the Convention on the Elimination of All Forms of Discrimination against Women,

Meeting on 14 August 2006,

Having concluded its consideration of communication No. 3/2004, submitted to the Committee on the Elimination of Discrimination against Women by Ms. Dung Thi Thuy Nguyen under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,

Having taken into account all written information made available to it by the author of the communication and the State party,

Adopts the following:

Views under article 7, paragraph 3, of the Optional Protocol

1.1 The author of the communication dated 8 December 2003, is Ms. Dung Thi Thuy Nguyen, born on 24 June 1967 and a resident of the Netherlands currently living in Breda, the Netherlands. She claims to be a victim of a violation by the Netherlands of article 11, paragraph 2 (b) of the Convention on the Elimination of All Forms of Discrimination against Women The author is represented by counsel, Mr. G. J. Knotter, and by Ms. E. Cremers, a self-employed researcher at Leiden, the

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* The following members of the Committee participated in the examination of the present communication: Magalys Arocha Dominguez, Meriem Belmihoub-Zerdani, Huguette Bokpe Gnacadja, Dorcas Coker-Appiah, Mary Shanthi Dairiam, Naela Mohamed Gabr, Françoise Gaspard, Rosario Manalo, Krisztina Morvai, Pramila Patten, Fumiko Saiga, Hanna Beate Schöpp-Schilling, Heisoo Shin, Glenda P. Simms, Dubravka Šimonović, Anamah Tan, Maria Regina Tavares da Silva and Zou Xiaoqiao. Pursuant to rule 60 (1) (c) of the Committee's rules of procedure, Cees Flinterman did not participate in the examination of this communication, as he is a national of the State party concerned.

Netherlands. The Convention and its Optional Protocol entered into force for the State party on 22 August 1991 and 22 August 2002, respectively.

The facts as presented by the author

2.1 The author worked as a part-time salaried employee (a temporary employment agency worker) as well as together with her husband as a co-working spouse in his enterprise. She gave birth to a child and took maternity leave as from 17 January 1999.

2.2 The author was insured under the Sickness Benefits Act (Ziektewet — "ZW") for her salaried employment and, in accordance with article 29a of this Act, received benefits to compensate for her loss of income from her salaried employment during her maternity leave over a period of 16 weeks.

2.3 The author was also insured under the Invalidity Insurance (Self-Employed Persons) Act (Wet arbeidsongeschiktheidsverzekering zelfstandigen "WAZ") for her work in her husband's enterprise. On 17 September 1998, prior to the start of her maternity leave, she submitted an application for maternity benefits under the WAZ. On 19 February 1999, the National Institute for Social Insurance (Landelijk instituut sociale verzekeringen — "LISV"), the benefits agency, decided that, despite her entitlement, the author would not receive benefits during maternity leave for her loss of income stemming from her work in her husband's enterprise. This was because section 59 (4) of the WAZ — the so-called "anti-accumulation clause" — allows (in cases of concurrent claims for maternity benefits) payment of benefits only insofar as they exceed benefits payable under the ZW. The author's benefits from her work with her spouse did not exceed those from her salaried employment.

2.4 The author lodged an objection to the decision, which was rejected on 18 May 1999. Thereafter, she applied for a review with the Breda District Court (rechtbank). Reportedly, this application was dismissed on 19 May 2000. The author then appealed to the Central Appeals Tribunal (Centrale Raad van Beroep), reportedly, the highest administrative court in the Netherlands in social security cases.

2.5 On 25 April 2003, the Central Appeals Tribunal (Centrale Raad van Beroep) confirmed the contested judgment of the Breda District Court (rechtbank). The Tribunal found that section 59 (4) of the WAZ does not result in unfavourable treatment of women as compared to men. The Tribunal also referred to one of its earlier judgments in which it held that article 11 of the Convention lacks direct effect.

2.6 On 8 May 2002, the author began a second maternity leave (in connection with her second pregnancy) and again applied for benefits. On 4 June 2002 the benefits agency decided that the author's entitlement under the ZW would be supplemented by the difference between her claim under the WAZ and her entitlement under the ZW. Unlike during the previous period of maternity leave, her WAZ entitlement exceeded her ZW entitlement.

2.7 The author lodged an appeal against the decision of 4 June 2002, which she subsequently withdrew after the decision of the Central Appeals Tribunal (Centrale Raad van Beroep), which heard the appeal regarding benefits for her maternity leave in 1999, was rendered on 25 April 2003.

The complaint

3.1 The author complains that she is a victim of a violation by the State party of article 11, paragraph 2 (b) of the Convention on the Elimination of All Forms of Discrimination against Women. She contends that this provision entitles women to maternity leave with full compensation for loss of income from their work. The author claims that women whose income stems from both salaried and other forms of employment only receive partial compensation for their loss of income during their maternity leave. In this respect, the author submits that pregnancy has a negative effect on the income of this group of women. She alleges that partial compensation for the loss of income does not fulfil the requirements of the article 11, paragraph 2 (b) of the Convention and amounts to direct discrimination of women as a result of their pregnancy.

3.2 The author asserts that article 11 of the Convention applies to any conceivable professional activity carried out for payment and refers to legal literature on the Travaux Préparatoires of the Convention to substantiate her assertion. She believes that this is important in assessing the compatibility of the provisions of the WAZ in relation to pregnancy and maternity with article 11 of the Convention. She also considers it important to establish that the prohibition of discrimination against women means, inter alia, that pregnancy and maternity may not result in a subordinated position of women as compared to men.

3.3 As a result of the above, the author requests the Committee to examine to what extent the so-called "anti-accumulation clause" — i.e. section 59 (4) of the WAZ — as a result of which she did not receive any compensation for her lost income as a co-working spouse in connection with her maternity leave — is a discriminatory provision and violates article 11, paragraph 2 (b) of the Convention.

3.4 The author requests the Committee to recommend to the State party, under article 7 (3) of the Optional Protocol to the Convention, to take appropriate measures to comply with the requirements of article 11, paragraph 2 (b) of the Convention so that co-working spouses or self-employed women on pregnancy and maternity leave are provided with full compensation for loss of income. She further requests the Committee to recommend that the State party award her compensation for loss of income during both periods of maternity leave.

3.5 The author further asserts that article 11, paragraph 2 (b) provides a right that is open to tangible judicial review and that, under article 2 of the Optional Protocol, the Committee has been authorized to decide whether the violation of a certain Convention right may be judicially reviewed in actual cases.

3.6 As to the admissibility of the communication, the author maintains that all domestic remedies have been exhausted in that she ultimately brought proceedings before the highest administrative court against the refusal to award benefits under the WAZ. She informs the Committee that she withdrew her appeal in connection with her second pregnancy after she lost her final appeal in connection with her first pregnancy.

3.7 The author also states that she has not submitted the communication to any other international body and thus, the requirement for admissibility in article 4, paragraph 2 (a) has been fulfilled. The author points out that, on several occasions, in its comments on the report of the Netherlands to the Committee of Experts, the Netherlands Trade Union Confederation FNV has claimed that section 59 (4) of the WAZ is contrary to article 12 (2) of the European Social Charter. It has reportedly also brought the issue to the attention of the International Labour Organization (ILO) in its comments on the report of the Netherlands under ILO Convention 103 on Maternity Protection. Nonetheless, the author maintains that both procedures differ from the individual right of complaint and that neither the European Social Charter nor ILO Convention 103 contain provisions identical to article 11 of the Convention on the Elimination of All Forms of Discrimination against Women. She also refers to case law on admissibility in individual complaints procedures of other international investigation procedures, including the Optional Protocol to the International Covenant on Civil and Political Rights.[a] For these reasons, the author argues that there is no impediment as regards article 4, paragraph 2 (a) of the Optional Protocol.

3.8 The author contends that the communication is admissible under the terms of article 4, paragraph 2 (e) of the Optional Protocol. Although the decision not to pay the author benefits under the WAZ were taken before the Netherlands ratified the Optional Protocol, the decision of the Central Appeals Tribunal (Centrale Raad van Beroep) was delivered some time after ratification. The author argues that the decision of the highest court determines whether the facts should be considered to have occurred after ratification, as the facts only became final on that date. She maintains that international case law supports this view.[b] Furthermore, she points out that part of her communication directly concerns the decision of the Central Appeals Tribunal (Centrale Raad van Beroep) itself. Additionally, the author argues that the so-called "anti-accumulation clause" has continued to be applied (now found in another piece of legislation[c]) after the Optional Protocol's entry into force for the State party. Lastly, the author argues that her withdrawal of her appeal in connection with her second pregnancy after she lost her final appeal in connection with her first pregnancy in April 2003 also indicates that the facts at issue continue (i.e. the application of the anti-accumulation clause).

The State party's submission on admissibility

4.1 By submission of 19 March 2004, the State party argues that the communication is inadmissible *ratione temporis* pursuant to article 4, paragraph 2 (e). It argues that the subject of the communication is the prohibition against receiving pregnancy and maternity benefits under both the WAZ and the ZW at the same time. This arose in the author's case at the point in time when the relevant implementing body took the decisions affecting her, namely on 19 February 1999 and 4 June 2002. Both dates were prior to the entry into force of the Protocol for the Netherlands on 22 August 2002.

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[a] See *Official Records of the General Assembly, Forty-second Session, Supplement No. 40* (A/42/40), annex VIII.B, para. 6.2.

[b] See IACHR Report No. 73/01, Case No. 12.350, MZ v. Bolivia, report of 10 October 2001; ECHR Application No. 323/57, X. v. Denmark, inadmissibility decision of 19 December 1957, European Commission of Human Rights, Documents and Decisions, 1955-1956-1957, p. 247.

[c] Article 3:29 (2) of the Employment and Care Act of 16 November 2001.

4.2 The State party refers to the author's view that the deciding factor in determining whether the facts that are the subject of the communication occurred before the Protocol entered into force for the Netherlands is the date of the judgment given by the court of last resort, since it is only then that the facts are definitively established.

4.3 The State party is of the opinion that the author based her views on an incorrect interpretation of Report No. 73/01, Case No. 12.350, MZ v. Bolivia of the Inter-American Commission on Human Rights. While the petitioner's complaint in the Bolivian case was declared admissible where it related to a judgment by a Bolivian court that dated from after the entry into force of the individual right of complaint in respect of Bolivia, it had nothing to do with that judgment definitively establishing facts that had occurred prior to that date. The case concerned the course of the proceedings and the conduct of the judges involved in the case.

The author's comments on the State party's observations on admissibility

5.1 The author reiterates her arguments as to why her communication should be declared admissible in accordance with article 4, paragraph 2 (e) of the Optional Protocol to the Convention.

5.2 She explains that her interpretation of article 4, paragraph 2 (e) of the Optional Protocol cannot be directly inferred from the international case to which she referred in her initial submission. She wished merely to refer to judgments in which judicial bodies did not decide restrictively on the question of admissibility. The author, therefore, considers the comparison of the facts of her case to the facts in MZ v. Bolivia (IACHR Report No. 73/01, case No. 12.350 of 10 October 2001) irrelevant.

State party's further submission on admissibility and observations on merits

6.1 The State party states that under article 2 of the Optional Protocol, communications may be submitted by or on behalf of individuals claiming to be victims of a violation of any of the rights set forth in the Convention. It is the State party's opinion that an individual can only be regarded as a victim under the article at the moment at which there has been some failure to respect his or her rights. In the author's case, this would be the dates on which she was notified that all or part of the benefits was to be withheld. These decisions were taken before 22 August 2002, the date that the Optional Protocol entered into force for the State party. Ergo, the communication should be declared inadmissible *ratione temporis*. A different view would misconstrue the substance of the Optional Protocol by recognizing a general rather than an individual right of complaint.

6.2 The State party recalls that lodging an application for review in social security cases does not suspend legal proceedings in the Netherlands. Only the final judgment of a court can change (with retroactive effect) the earlier decisions of the bodies that implement social security legislation.

6.3 In addressing the author's contention that section 59 (4) of the WAZ is incompatible with article 11, paragraph 2 (b) of the Convention, which, the author believes, imposes an obligation to ensure full compensation of loss of income ensuing from childbirth in all cases and constitutes direct sex discrimination, the State party observes that the word "pay" is used in general to refer to a salary and not to income from business profits. This gives rise to whether the word "pay" in article 11, paragraph 2 (b) of the Convention should include the frequently fluctuating income arising from self-employment. The State party views its composite system of maternity benefits as adequately fulfilling the terms of article 11, paragraph 2 (b) of the Convention.

6.4 Initially, maternity leave and maternity benefits were regulated exclusively in the ZW, an insurance scheme that provided compulsory coverage for both male and female employees. Self-employed women or women working in their husbands' businesses could voluntarily take out insurance under the scheme. In 1992, a study revealed that only a small proportion of these women took out insurance — either because they were unaware of the option or because of the cost involved. It also emerged that the women concerned only took maternity leave if there were medical complications.

6.5 Subsequently, a compulsory insurance scheme was set up under WAZ for self-employed women or women who worked in their husbands' businesses, which resembled the other scheme — but with contributions based on profits. It was recognized that situations might arise in which women might be simultaneously entitled to benefits from both schemes and, in order to guard against giving more entitlements to persons who were insured in respect of the same risk under two sets of regulations, section 59 (4) was included in the WAZ.

6.6 To ensure that those who were insured under both schemes would not be disadvantaged, the principle of equivalence was applied in relation to contributions. In order to determine contributions, the income from salaried employment was deducted from other income in certain circumstances. This meant that the higher the income from salaried employment the lower the contribution would be to the WAZ. Benefits granted within the framework of the employees' insurance were deducted from the other benefits.

6.7 The State party shares the views expressed by the Central Appeals Tribunal (Centrale Raad van Beroep) as to whether the so-called "anti-accumulation clause" constitutes sex discrimination. It maintains that entitlement to maternity benefits under section 22 of WAZ, is an advantage exclusively for women. Furthermore, within the WAZ system as a whole, the basic principle of anti-accumulation of benefit in respect of the same risk also applies in the event of concurrence between a WAZ benefit and some form of benefit other than a maternity benefit — without any distinction according to sex.

6.8 In responding to the author's contention that the Central Appeals Tribunal (Centrale Raad van Beroep) was wrong to conclude that article 11 of the Convention was not directly applicable, the State party states that the crucial point is whether further legislation has to be enacted to implement rights protected by the provision or whether without the enactment of further legislation citizens can derive entitlements which they can pursue before a national court, contrary to national law, if necessary. National constitutions determine the manner in which provisions of international law are incorporated into national systems of law. The State party, therefore, is of the opinion that the Committee cannot be asked to give its opinion on the matter. The State party considers it self-evident that statutory regulations that are incompatible with international law must be amended; in this type of situation the question is not so much whether but how these obligations must be fulfilled.

6.9 In the State party the courts decide on the basis of the nature, substance and tenor of a particular provision of international law, whether it is directly applicable. For a provision to be invoked directly by private individuals, it must be formulated so precisely that rights necessarily ensue from it unambiguously and without the need for any further action to be taken by the national authorities.

6.10 The State party would have it that the only possible conclusion is that article 11, paragraph 2 (b) of the Convention imposes on the legislature and Governments of States parties an obligation to pursue, rather than to achieve, a certain goal (inspanningsverplichting), with States parties being allowed certain discretionary powers. In the Netherlands, these powers are exercised by the legislature. The State party therefore concurs with the Central Appeals Tribunal (Centrale Raad van Beroep) in its view that article 11, paragraph 2 (b) of the Convention is not directly applicable.

6.11 The State party requests the Committee to declare the communication inadmissible, or alternatively, should it be deemed admissible, to declare it ill-founded.

The author's comments on the State party's observations on admissibility and merits

7.1 As to admissibility *ratione temporis*, the author believes that article 4, paragraph 2 (e) of the Optional Protocol must be read in conjunction with the other requirements of the article. Paragraph 1 provides that local remedies must be exhausted before a communication can be submitted. Viewed together with article 4, paragraph 2 (e), this means that "facts" must be understood to mean the date of the court decision of the highest instance (i.e. 25 April 2003). The correctness of the facts cannot be assumed until such a final decision is reached.

7.2 Furthermore, the complaint concerns the period of the second maternity leave from 8 May to 28 August 2002, during which the author received benefits based on the decision of 4 June 2002 decision — that is to say that the "facts" (the period for which a benefit is received) continued after the entry into force of the Optional Protocol for the State party.

7.3 The author also points out that the State party does not challenge admissibility on grounds of non-exhaustion of remedies in respect of benefits covering the second maternity leave.

7.4 The author further states that "facts" should be understood to mean the facts to which the entitlement applies in accordance with the WAZ, including section 59 (4) and the Work and Care Act after 1 December 2001. She considers the facts to continue because the entitlement continues to exist and maintains that the right to complain is not limited to individual occurrences but generally concerns the right of victims of discrimination against women.

7.5 As to the issue of the definition of "pay" in article 11, paragraph 2 (b) of the Convention, the author maintains her position that all women who perform paid work should be covered — especially professional women or women in business. She disagrees with the argument that women who are insured under two insurance schemes would be unjustifiably accorded favoured treatment if they were to receive more benefits. Furthermore, referring to the State party's comments on contributions, the author sees no connection between the issue of entitlements to benefits and the payment of contributions — because entitlements exist irrespective of the contributions paid.

7.6 As to whether section 59 (4) of the WAZ is discriminatory, the author contends that only women are affected negatively by a loss of income that can never be experienced by men. That loss of income — an effect of the Act — constitutes discrimination.

7.7 The author clarifies that she has not requested the Committee to decide whether or not article 11 of the Convention has direct effect. The author has only indicated that as a result of the decision of the Central Appeals Tribunal (Centrale Raad van Beroep), she has been deprived of the right to have national legislation tested against the provisions of the Convention.

Supplementary observations of the State party

8.1 The State party refers to the author's claim that "the Government does not object to the statement that is not necessary for the admissibility of the complaint as regards the second period that the complainant should have exhausted the entire appeal proceedings once more". The State party points out that this claim was not made in the author's initial submission to the Committee. The only reference therein to the second period of pregnancy and maternity leave in 2002 was made to support the claim that the alleged violation continued after the Optional Protocol entered into force in the Netherlands. It should not be inferred from the fact that the State party did not explicitly address the question of whether the author had exhausted domestic remedies regarding the decision on the benefits payable to her for the period of her maternity leave in 2002 that the State party believes that this condition for admissibility has been met regarding that period. Regarding article 4, paragraph 1 of the Optional Protocol, the State party believes that the Committee cannot take the communication into consideration, inasmuch as it must be assumed to apply to the benefit for the period of leave in 2002, on account of non-exhaustion of domestic remedies.

8.2 The State party reiterates that it considers the communication in any event to be inadmissible because the relevant facts took place before the date that the Optional Protocol entered into force for the Netherlands. It also wishes to emphasize that the Optional Protocol created an individual right of complaint that follows from article 2. In order to determine whether a person is a victim of a violation by a State, it is necessary to identify an act, legal or otherwise, by the State that can be defined as a violation, for instance a decision by the State on the application of a particular rule of law. In the State party's view, the right of complaint does not stretch to facts that a complainant considers to be discriminatory in general unless the complainant has been affected personally.

8.3 Concerning the merits of the author's claims, the State party wishes to clarify that it raised previously — but did not answer — the obvious question relating to the meaning of the word "pay" in article 11, paragraph 2 (b) of the Convention. The State party disagrees with the author's interpretation that the provision prescribes full compensation for loss of income resulting from pregnancy and childbirth. It views the provision as a general norm that imposes on States an obligation to make arrangements that enable women to provide for themselves in the period of pregnancy and childbirth and to resume work after childbirth without any adverse effects on their career. The way in which the obligation is fulfilled is left to States to determine. States may opt between arrangements based on continued payment of salary and arrangements creating a comparable social provision. That this must involve full compensation for loss of income cannot automatically be inferred.

8.4 The State party makes a comparison between paragraph 2 (b) of article 11 of the Convention and EC directive 92/85 of 19 October 1992 concerning the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, which provides for a payment to, and/or entitlement to an adequate allowance. While the State party finds it implausible that the European legislature envisaged a wholly different norm than the Convention's norm, it describes the EC directive as being more clearly formulated in that the term "adequate allowance" is defined.

8.5 The State party elaborates further about the reasoning behind section 59 (4) — the so-called "anti-accumulation clause" — of WAZ. Under this Act a self-employed woman would be entitled to a benefit of up to 100 per cent of the statutory minimum wage. Those who worked as a salaried employee as well would be entitled to a benefit under both this Act and the ZW. If the latter exceeded 100 per cent of the statutory minimum wage the WAZ benefit would not be paid and if the ZW entitlement was lower than 100 per cent of the statutory minimum wage, the WAZ benefit could be paid as long as the two together would not exceed 100 per cent of the minimum wage. At the same time, the higher a woman's income would be from salaried employment — the greater the likelihood that her WAZ benefit would not be paid and the lower her contribution payable to the WAZ scheme would be.

8.6 As for the author's contention that the so-called "anti-accumulation clause" constitutes direct discrimination, the State party reiterates that the entitlement is exclusively given to women and is specifically designed to give women an advantage in relation to men. It is, therefore, impossible to see how it can lead to more unfavourable treatment of women in relation to men — considering that men cannot make any use whatsoever of the clause.

Issues and proceedings before the Committee

Consideration of admissibility

9.1 In accordance with rule 64 of its rules of procedure, the Committee shall decide whether the communication is admissible or inadmissible under the Optional Protocol to the Convention. Pursuant to rule 72, paragraph 4, of its rules of procedure, it shall do so before considering the merits of the communication.

9.2 The Committee has ascertained that the matter has not already been or is being examined under another procedure of international investigation or settlement.

9.3 With respect to article 4, paragraph 1 of the Optional Protocol, the Committee notes that the State party has not disputed that the author has exhausted all available domestic remedies concerning benefits for her first maternity leave in 1999. The issue is not as straightforward regarding the author's 2002 maternity leave benefits. The Committee is informed by the author in her initial submission, that she withdrew her appeal in connection with her second maternity leave after she lost her final appeal in connection with her first maternity leave. She did not explain her reasons. In its latest observations, the State party objected to the admissibility of the author's claim relating to the latter maternity leave on grounds of her failure to exhaust all available domestic remedies without explaining why. The Committee notes that in earlier observations in which the State party challenged the admissibility *ratione temporis* (see below) of the communication and in doing so referred to the decisions taken denying benefits under the WAZ system vis-à-vis both periods of maternity leave, it did not mention the issue of exhaustion of remedies. In the absence of particulars from either the State party or the author on which to assess whether the author should have continued her appeal or whether these proceedings were unlikely to bring relief, the Committee considers that, on the face of it and in light of the unambiguous wording of the decision rendered on 25 April 2003 by the Central Appeals Tribunal (Centrale Raad van Beroep), the highest administrative court in social security cases, proceedings regarding the author's 2002 maternity leave benefits were unlikely to bring relief. The Committee therefore holds that it is not precluded by article 4, paragraph 1 of the Optional Protocol from considering the communication as regards claims relating to both periods of the author's maternity leave.

9.4 In accordance with article 4, paragraph 2 (e), the Committee shall declare a communication inadmissible where the facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State party concerned unless those facts continued after that date. The Committee notes that the State party disputed the author's contention that article 4, paragraph 2 (e) posed no impediment to admissibility of the communication. The State party put forward that the pertinent dates for the Committee to consider in this regard were 19 February 1999 and 4 June 2002 — both dates being prior to the entry into force of the Protocol for the Netherlands. These dates were the dates on which decisions were taken to deny the author — the first time to fully deny her benefits under the WAZ in relation to her first maternity leave and the second time to partially deny her benefits under the WAZ in relation to her second maternity leave. The author, for her part, in her initial submission argued that 25 April 2003, i.e. after the Optional Protocol came into force for the Netherlands, is the pertinent date in relation to article 4, paragraph 2 of the Optional Protocol because on that date the Central Appeals Tribunal (Centrale Raad van Beroep), the highest administrative court in social security cases, took the final decision vis-à-vis her dispute with the WAZ authorities regarding her first maternity leave. The Committee is of the view that the central question to be answered is "when has the Dutch legislation at issue been applied to the alleged actual detriment of the author" (i.e. what the facts of the case are)?

9.5 The Committee takes into account that the actual leave periods for which the author applied for benefits spanned two 16-week periods, the first was in 1999, which clearly predated the entry into force of the Optional Protocol for the State party. The second 16-week period, according to the author, was from 8 May to 28 August 2002. This period extended beyond the entry into force of the Optional Protocol for the State party on 22 August 2002 and justifies admissibility ratione temporis insofar as the communication relates to the author's maternity leave in 2002.

9.6 The Committee has no reason to find the communication inadmissible on any other grounds and thus finds the communication insofar as it concerns the author's later maternity leave in 2002 admissible.

Consideration of the merits

10.1 The Committee has considered the present communication in the light of all the information made available to it by the author and by the State party, as provided in article 7, paragraph 1, of the Optional Protocol.

10.2 The question before the Committee is to determine whether the concrete application of section 59 (4) of the WAZ vis-à-vis the author insofar as it concerns the author's later maternity leave in 2002 constituted a violation of her rights under article 11, paragraph 2 (b), of the Convention because it resulted in her receiving fewer benefits than she would have received had the provision not been in operation and had she been able to claim benefits as an employee and as a co-working spouse independently of each other.

The aim of article 11, paragraph 2, is to address discrimination against women working in gainful employment outside the home on grounds of pregnancy and childbirth. The Committee considers that the author has not shown that the application of the 59 (4) of the WAZ was discriminatory towards her as a woman on the grounds laid down in article 11, paragraph 2, of the Convention, namely of marriage or maternity. The Committee is of the view that the grounds for the alleged differential treatment had to do with the fact that she was a salaried employee and worked as a co-working spouse in her husband's enterprise at the same time.

Article 11, paragraph 2 (b), obliges States parties in such cases to introduce maternity leave with pay or comparable social benefits without loss of former employment, seniority or social allowances. The Committee notes that article 11, paragraph 2 (b), does not use the term "full" pay, nor does it use "full compensation for loss of income" resulting from pregnancy and childbirth. In other words the Convention leaves to States parties a certain margin of discretion to devise a system of maternity leave benefits to fulfil Convention requirements. The Committee notes that the State party's legislation provides that self-employed women and co-working spouses as well as salaried women are entitled to paid maternity leave — albeit under different insurance schemes. Entitlements under both schemes may be claimed simultaneously and awarded as long as the two together do not exceed a specified maximum amount. In such cases, contributions to the scheme covering self-employed women and co-working spouses are adjusted with income from their salaried employment. It is within the State party's margin of discretion to determine the appropriate maternity benefits within the meaning of article 11, paragraph 2 (b), of the Convention for all employed women, with separate rules for self-employed women that take into account fluctuating income and related contributions. It is also within the State party's margin of discretion to apply those rules in combination to women who are partly self-employed and partly salaried workers. In the light of the foregoing, the Committee concludes that the application of section 59 (4) of the WAZ did not result in any discriminatory treatment of the author and does not constitute a violation of her rights under article 11, paragraph 2 (b), of the Convention.

10.3 Acting under article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Committee on the Elimination of Discrimination against Women is of the view that the facts before it do not reveal a violation of article 11, paragraph 2 (b), of the Convention.

Individual opinion of Committee members, Naela Mohamed Gabr, Hanna Beate Schöpp-Schilling and Heisoo Shin (dissenting)

Consideration of the merits

10.1 The Committee has considered the present communication in the light of all the information made available to it by the author and by the State party, as provided in article 7, paragraph 1, of the Optional Protocol.

10.2 The question before the Committee is to determine whether the concrete application of section 59 (4) of the WAZ vis-à-vis the author insofar as it concerns the author's later maternity leave in 2002 constituted a violation of her rights under article 11, paragraph 2 (b), of the Convention, because it resulted in her receiving fewer benefits than she would have received had the provision not been in operation and had she been able to claim benefits as an employee and as a co-working spouse independently of each other.

10.3 The aim of article 11, paragraph 2, in general, and article 11, paragraph 2 (b), in particular, is to address discrimination against women working in gainful employment outside the home on grounds of pregnancy and childbirth. Article 11, paragraph 2 (b), obliges States parties in such cases to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances. Article 11, paragraph 2 (b), does not use the term "full" pay. A certain margin of discretion is left to States parties to devise a system of maternity leave benefits which fulfils the requirements of the Convention. This interpretation is bolstered by the "travaux préparatoires" of the Convention and by State practice as presented to the Committee in reports submitted to it under article 18 of the Convention. It can be argued that the explicit wording of article 11, paragraph 2 (b), read in conjunction with the other subparagraphs of article 11, paragraph 2, is aimed primarily at women as salaried employees in the public or private labour market sectors. On the other hand, the provision can also be interpreted to mean that States parties are also obliged to provide for a maternity leave with pay for self-employed women. We have seen that the State party has made some provision for this category of women. The manner in which States parties do so is left to their discretion — subject to their obligations under the Convention to achieve results.

10.4 Acting under article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, we are of the following view. Based on the reasoning set forth above, we conclude that the law of the Netherlands which provides for a financially compensated maternity leave for women who are both salaried women and self-employed, albeit with the restriction of the so-called anti-accumulation clause in article 59WAZ, is compatible with the obligations of the State party under article 11, paragraph 2 (b), of the Convention *in the sense that it* does not reveal a violation of the author's rights under this article as concerns a *direct* form of discrimination based on sex.

10.5 At the same time, we are concerned about the fact that the so-called "equivalence" principle does not seem to take into account the potential situation of a woman working in a situation of both salaried part-time and self-employment, in which the number of her working hours in both categories of work equal or even may go beyond the hours of a full-time salaried female employee, who, in the Netherlands, to our knowledge, receives a maternity benefit which equals full pay for a certain period of time. In addition, the 1996 Equal Treatment (Full-time and Part-time Workers) Act (WOA) requires full-time and part-time employees to be treated equally. Therefore, we are of the view that the so-called anti-accumulation clause in article 59WAZ may constitute a form of *indirect* discrimination based on sex. This view is based on the assumption that an employment situation in which salaried part-time work and self-employment is combined, as described by the complainant, is one which mainly women experience in the Netherlands, since, in general, it is mainly women who work part-time as salaried workers in addition to working as family helpers in their husbands' enterprises. However, no information was requested by the Committee or given by the State party under this communication procedure to substantiate this assumption with facts. However, in the State party's fourth report under the Convention, which has been in general distribution since 10 February 2005 and which is to be discussed at the thirty-seventh session of the Committee, in 2007, the State party admits that part-time work is particularly common among women (CEDAW/C/NLD/4, p. 62). In addition, in the same report, the State party refers to the fact that in 2001, under a new Invalidity Insurance Act (WAO) for self-employed persons, 55 per cent of the applicants were women (ibid., p. 61).

10.6 Acting under article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, we, therefore, make the following recommendation to the State party:

(a) Collect data on the number of women working in the combination of part-time salaried employment and as self-employed persons as compared to men in order to assess the percentage of women versus men in this situation and, if this data shows a preponderance of women in such situations of employment;

(b) Review the "anti-accumulation clause" (section 59 (4) of the WAZ), in particular its principle of "equivalence", which does not seem to take into account the overall number of hours of work in such combined employment situations, as constituting a possible form of indirect discrimination for women in such employment situations when pregnant and giving birth;

(c) Accordingly amend the WAZ; or

(d) Consider in the design of any new insurance scheme for self-employed persons, which includes maternity benefits, and which covers those who combine self-employment with part-time salaried employment, as referred to in the State party's fourth report (CEDAW/C/NLD/4, p. 61), that integration of provisions ensure full harmony of Dutch law with the Convention on the Elimination of All Forms of Discrimination against Women in the area of maternity leave benefits for all women, working in various forms of employment in the Netherlands.

B. Views of the Committee in respect of communication No. 4/2004

Submitted by:	Ms. Andrea Szijjarto (represented by the European Roma Rights Center and the Legal Defence Bureau for National and Ethnic Minorities)
Alleged victim:	The author
State party:	Hungary
Date of communication:	12 February 2004 (initial submission)

On 14 August 2006, the Committee on the Elimination of Discrimination against Women adopted the text set out below as the Committee's views under article 7, paragraph 3, of the Optional Protocol in respect of communication No. 4/2004.*

The Committee on the Elimination of Discrimination against Women, established under article 17 of the Convention on the Elimination of All Forms of Discrimination against Women,

Meeting on 14 August 2006,

Having concluded its consideration of communication No. 4/2004, submitted to the Committee on the Elimination of Discrimination against Women by The European Roma Rights Center and the Legal Defence Bureau for National and Ethnic Minorities on behalf of Ms. Andrea Szijjarto under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,

Having taken into account all written information made available to it by the author of the communication and the State party,

Adopts the following:

Views under article 7, paragraph 3, of the Optional Protocol

1.1 The author of the communication dated 12 February 2004, is Andrea Szijjarto, a Hungarian Roma woman, born on 5 September 1973. She claims to have been subjected to coerced sterilization by medical staff at a Hungarian hospital. The author is represented by the European Roma Rights Center, an organization in special consultative status with the Economic and Social Council, and the Legal Defence Bureau for National and Ethnic Minorities, an organization in Hungary. The Convention and its Optional Protocol entered into force for the State party on 3 September 1981 and 22 March 2001, respectively.

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* The following members of the Committee participated in the examination of the present communication: Magalys Arocha Dominguez, Meriem Belmihoub-Zerdani, Huguette Bokpe Gnacadja, Dorcas Coker-Appiah, Mary Shanthi Dairiam, Cees Flinterman, Naela Mohamed Gabr, Françoise Gaspard, Rosario Manalo, Pramila Patten, Fumiko Saiga, Hanna Beate Schöpp-Schilling, Heisoo Shin, Glenda P. Simms, Dubravka Šimonović, Anamah Tan, Maria Regina Tavares da Silva and Zou Xiaoqiao. Pursuant to rule 60 (1) (c) of the Committee's rules of procedure, Krisztina Morvai did not participate in the examination of this communication, as she is a national of the State party concerned.

The facts as presented by the author

2.1 The author is the mother of three children. On 30 May 2000, she was examined by a doctor and found to be pregnant, the delivery date estimated to be 20 December 2000, during that time, she followed antenatal treatment and attended all the scheduled appointments with the district nurse and gynaecologist. On 20 December 2000, the author reported to the maternity ward of Fehérgyarmat Hospital. She was examined and found to be 36 to 37 weeks pregnant and was asked to return when she went into labour.

2.2 On 2 January 2001, the author went into labour pain and her amniotic fluid broke. This was accompanied by heavy bleeding. She was taken to Fehérgyarmat Hospital, one hour's drive by ambulance. While examining the author, the attending physician found that the foetus (the term "embryo" is used) had died in her womb and informed her that a caesarean section needed to be performed immediately in order to remove the dead foetus. While on the operating table, the author was asked to sign a form consenting to the caesarean section. She signed this as well as a barely legible note that had been hand-written by the doctor and added to the bottom of the form, which read:

> "Having knowledge of the death of the embryo inside my womb I firmly request my sterilization [a Latin term unknown to the author was used]. I do not intend to give birth again; neither do I wish to become pregnant."

The attending physician and the midwife signed the same form. The author also signed statements of consent for a blood transfusion and for anaesthesia.

2.3 Hospital records show that within 17 minutes of the ambulance arriving at the hospital, the caesarean section was performed, the dead foetus and placenta were removed and the author's fallopian tubes were tied. Before leaving the hospital the author asked the doctor for information on her state of health and when she could try to have another baby. It was only then that she learned the meaning of the word "sterilization". The medical records also revealed the poor health condition of the author when she arrived at the hospital. She felt dizzy upon arrival, was bleeding more heavily than average and was in a state of shock.

2.4 The author states that the sterilization has had a profound impact on her life for which she and her partner have been treated medically for depression. She would never have agreed to the sterilization as she has strict Catholic religious beliefs that prohibit contraception of any kind, including sterilization. Furthermore, she and her partner live in accordance with traditional Roma customs — where having children is said to be a central element of the value system of Roma families.[a]

2.5 On 15 October 2001, a lawyer with the Legal Defence Bureau for National and Ethnic Minorities, filed a civil claim on behalf of the author against Fehérgyarmat Hospital, inter alia, requesting that the Fehérgyarmat Town Court find the hospital in violation of the author's civil rights. She also claimed that the hospital had acted negligently by sterilizing the author without obtaining her full and informed consent. Pecuniary and non-pecuniary damages were sought.

2.6 On 22 November 2002, the Fehérgyarmat Town Court rejected the author's claim, despite a finding of some negligence on the part of the doctors, who had failed to comply with certain legal provisions, namely, the failure to inform the author's partner of the operation and its possible consequences as well as to obtain the birth certificates of the author's live children. The Court reasoned that the medical conditions for sterilization prevailed in the author's case and that she had been informed about her sterilization and given all relevant information in a way in which she could understand it. The Court also found that the author had given her consent accordingly. The Court further viewed as a "partial extenuating circumstance towards the defendant's negligence the fact that, with the author's consent, the doctors performed the sterilization with special dispatch simultaneously with the Caesarean section".

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[a] The author cites Maria Neményi from "Roma Mothers in Health Care", http://mek.oszk.hu/01100/01156.

2.7 On 5 December 2002, the lawyer filed an appeal on behalf of the author before the Szabolcs-Szatmár-Bereg County Court against the decision of the Fehérgyarmat Town Court.

2.8 On 12 May 2003, the author's appeal was rejected. The appellate court found that although article 187, paragraph 4 (a), of Hungary's Act on Health Care allowed for the exceptional performance of the sterilization, the operation was not of a life-saving character, and therefore, the sterilization procedure should have been subject to the informed consent of the author. The appellate court further found that the doctors acted negligently in failing to provide her with detailed information (about the method of the operation, of the risks of its performance and of the alternative procedures and methods, including other options of birth control) and that the written consent of the author could not in and of itself exclude the hospital's liability. The appellate court, however, turned down the appeal on the ground that the author had failed to prove a lasting handicap and its causal relationship with the conduct of the hospital. The appellate court reasoned that the performed sterilization was not a lasting and irreversible operation inasmuch as the tying of fallopian tubes can be terminated by plastic surgery on the tubes and the likelihood of her becoming pregnant by artificial insemination could not be excluded. Based on her failure to prove that she had lost her reproductive capacity permanently and its causal relationship to the conduct of the doctors, the appellate court dismissed the appeal.

The complaint

3.1 The author claims that Hungary has violated articles 10 (h), 12 and 16, paragraph 1 (e), of the Convention.

3.2 She emphasizes that sterilization is never a life-saving intervention that needs to be performed on an emergency basis without the patient's full and informed consent. It is an operation that is generally intended to be irreversible and surgery to reverse sterilization is complex and has a low success rate.[b] The author states that international and regional human rights organizations have repeatedly stressed that the practice of forced sterilization constitutes a serious violation of numerous human rights and she refers to general comment 28 of the Human Rights Committee on equality of rights between men and women by way of example. She also states that coercion presents itself in various forms — from physical force to pressure from and/or negligence on the part of medical personnel.

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[b] The World Health Organization states that male and female sterilization should be regarded as permanent methods. See page 16 of "Medical Eligibility Criteria for Contraceptive Use", third edition 2004, available at http://www.who.int/reproductive-health/publications/mec/mec.pdf.

3.3 As to the alleged violation of article 10 (h) of the Convention, the author argues that she received no specific information about the sterilization, the effects of the operation on her ability to reproduce, or advice on family planning and contraceptive measures — either immediately before the operation or in the months/years before the operation was carried out. She claims that she was not given information about the nature of the operation, the risks and consequences, in a way that was comprehensible to her before she was asked to sign the consent form. The author quotes paragraph 22 of general recommendation No. 21 of the Committee on marriage and family relations in support of her argument.

3.4 In support of the alleged violation of article 12 of the Convention, the author refers to paragraphs 20 and 22 of general recommendation No. 24 of the Committee on women and health and submits that she was unable to make an informed choice before signing the consent form for the sterilization procedure. She argues that her inability to give informed consent on account of the incomplete information provided is a violation of the right to appropriate health care services. She also argues that there is a clear causal link between the failure of the doctors to fully inform her about the sterilization and the injuries that it caused, both physical and emotional.

3.5 The author claims that article 16, paragraph 1 (e), of the Convention has been violated by virtue of the State party limiting her ability to reproduce and she refers to paragraph 22 of general recommendation No. 21 of the Committee and paragraphs 22 and 24 of general recommendation No. 19 of the Committee on violence against women in this instance. She adds that the facts of the case show that she was denied access to information, education and the means to exercise her right to decide freely and responsibly on the number and spacing of her children.

3.6 The author requests the Committee to find a violation of articles 10 (h), 12 and 16, paragraph 1 (e), and to request the State party to provide just compensation.

3.7 As to the admissibility of the communication, the author maintains that all domestic remedies have been exhausted because the decision of the appellate court specifically stated that no appeal against it was permitted. The author also maintains that the matter has not been and is not currently being examined under any other procedure of international investigation or settlement.

3.8 Furthermore, the author notes that, although the incident giving rise to the communication occurred on 2 January 2001, Hungary has been legally bound by the Convention's provisions since 3 September 1981. The author claims that, most importantly, the effects of the violations at issue are of an ongoing, continuing character. In particular, as a result of having been sterilized without giving full and informed consent, she can no longer give birth. In light of these considerations, the author submits that the communication is admissible in accordance with article 4, paragraph 2 (e), of the Optional Protocol.[c]

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[c] The author refers to the jurisprudence of the Council of Europe, in particular Application Nos. 7031/75 and 9587/81, and of the Human Rights Committee in communications Nos. 1/1976, 24/1977, 196/1985, 310/1988, 457/1991 and 491/1992.

The State party's submission on admissibility and merits

4.1 By submission of 7 March 2005, the State party argues that the author failed to exhaust domestic remedies because she did not make use of judicial review (so-called "revision of judgement"), a special remedy under Hungarian law.

4.2 The State party contends that the communication is inadmissible *ratione temporis* pursuant to article 4, paragraph 2 (e). It is the opinion of the State party that the author has not sustained a permanent disability because the sterilization is not irreversible surgery and has not caused permanent infertility. The State party therefore argues that there has been no permanent violation of the rights of the author.

4.3 The State party is of the view that article 10 (h) of the Convention has not been violated since, aside from the dead embryo, the author has three other living children, which means that she must have been familiar with the nature of pregnancy and childbirth without further education.

4.4 The State party submits that article 12, paragraph 1, of the Convention has not been violated because the author received free of charge the benefits and services that all Hungarian women receive during pregnancy and after childbirth. The author was given all information prior to the surgery in a way that was appropriate in the given circumstances. According to the court decision, the author had been in a condition in which she was able to understand the information.

4.5 The State party stresses that the Public Health Act allows a physician to perform sterilization surgery without following any special procedure when it seems to be appropriate in certain circumstances. These circumstances were present, namely that this was not the author's first caesarean section and her womb was in very bad condition. Further, the State party considers that the surgery had been safe because the risk of undergoing another abdominal operation was greater and appeared inevitable in the given circumstances.

The author's comments on the State party's observations on admissibility and merits

5.1 By her submission of 6 May 2005, the author reiterates several of her arguments regarding the admissibility and merits of her claims.

5.2 Concerning article 4, paragraph 1, of the Optional Protocol, the author claims that the State party failed to show that the judicial review (so-called "revision") by the Supreme Court constitutes an effective remedy that is available to the author. She argues that the Constitutional Court of Hungary has held that the Constitution guarantees a one-tier appeal system only. Under this system an appeal of a judgement of an appellate court is an extraordinary remedy. The author argues that this extraordinary relief was not accessible to her as it could neither be legally substantiated that her case concerned a point of law of general importance that had to be reviewed for the development of the uniform interpretation of the law nor that the final judgement differed from a previous binding decision of the Supreme Court. Between 1 January 2002 and 9 November 2004, the relevant judicial review criteria were, essentially, that the judgement to be reviewed infringed the law and that this affected the merits of the case and (a) the decision differed from the binding decisions of the Supreme Court on the uniform interpretation of the law or (b) review by the Supreme Court would be necessary to develop a point of law of conceptual importance. the author also argues that the second alternative conditions of (a) and (b) were declared unconstitutional by the Constitutional Court of Hungary on 9 November 2004 because they could not be applied predictably as they were not straightforward. As such, she was really without effective access to judicial review.

5.3 With regard to article 4, paragraph 2 (e), of the Optional Protocol, the author states that her reproductive capacity has been taken away by State actors — the doctors at the public hospital. She reiterates that sterilization, in law and in medical practice, is regarded as irreversible surgery and that it has had a profound impact on her.

5.4 The author claims that her fundamental rights to health and human dignity and freedom as elaborated in several international outcome documents, notably the Programme of Action of the International Conference on Population and Development (Cairo, 1994) and the Beijing Declaration and Platform for Action (Beijing, 1995) and the outcome documents of their respective five-year reviews have been violated.

5.5 The author also argues that in the instant case, the Hungarian health service did not at any time provide any form of information on family planning, the sterilization surgery, or the effects on her reproductive capacity. The State party appears to believe that the author should have been self-taught on the use of contraception and family planning. The appellate court agreed that the Hungarian health service failed to fulfil its obligation to provide appropriate information. According to the author, failure to provide her with specific information on contraception and family planning before coercing her into signing the consent to sterilization constitutes a breach of article 10 (h) of the Convention.

5.6 The author maintains that the question of payment for health care is irrelevant. She also maintains that she did not consent to the sterilization in that she did not receive clear and suitably worded information and was not in a condition to understand the form that she was asked to sign.

5.7 The author points out that the appellate court stressed in its decision that because the sterilization was not a life-saving measure, informed consent was required and that it had not been established that the conditions had been met for performing the surgery pursuant to article 15, paragraph 3, of the Health Care Act.

5.8 The author argues that informed consent is based on a patient's ability to make an informed choice and its validity does not depend on the form in which it is given. Written consent merely can serve as evidence.

The State party's further submission on admissibility and merits

6.1 By its submission of 22 June 2006, the State party maintains its position that judicial review by the High Court of Justice is an extraordinary remedy to which the author should have resorted.

6.2 The State party maintains that the method used to sterilize the author was not irreversible. Therefore there is no continuous violation of her rights. The State party cites the Judicial Committee of the Medical Research Council for the authority that ligature can be reversed in 20 to 40 per cent of the cases by a re-fertilization operation.

6.3 The State party sustains its position that the author was given correct and appropriate information both in the pre-natal period and at the time of the surgery.

She was also provided with appropriate medical services, including information, during her three previous pregnancies.

6.4 The State party stresses that there is no difference between public and private health services in terms of quality.

6.5 The State party reiterates that the Public Health Act allows physicians to perform sterilization surgery without counselling when it seems appropriate in given circumstances. Under the Act, a physician is given some discretion in certain cases. In this way, preference is given to the patient's right to life and counselling may be simplified. While sterilization is not a life-saving intervention in general, in the present case it had a life-saving function because another pregnancy or abdominal operation would have placed the author in mortal danger. The sterilization was performed to avoid such a situation.

The author's subsequent submission

7.1 By her submission of 5 October 2005, the author maintains that, while surgery to reverse sterilization is sometimes possible, sterilization is carried out with the intention of ending a woman's reproductive capacity permanently. Surgery to reverse sterilization is complex and has a low success rate. The author underpins her claim by referring to publications by individuals, Governments and international organizations. She cites case law in several jurisdictions that view sterilization as an irreversible operation. The doctor who performed the surgery testified that information about sterilization should include the fact that it is an irreversible intervention.

7.2 The success of surgery to reverse sterilization depends on many factors, such as how the sterilization was carried out, how much damage was done to the fallopian tubes or other reproductive organs, the skills of the surgeon and the availability of trained staff and facilities. There are risks associated with the surgery to reverse sterilization. There is an increased likelihood of ectopic pregnancy following reversal surgery, which is a dangerous condition that requires immediate medical attention.

7.3 The author also claims that the Hungarian medical profession regards sterilization as a permanent method of birth control. She states that the medical expert who was involved in the domestic litigation at the request of her attorney stated that a new abdominal operation might be able to make the fallopian tubes permeable, but its success is questionable and the surgeon who performed the sterilization on the author stated that counselling should include the fact that it is an irreversible intervention.

7.4 The author further states that in order to give a valid opinion on whether the sterilization performed on her could be reversed successfully it would be necessary to know, inter alia, how much damage had been done to her fallopian tubes or other reproductive organs. The author claims that the State party's assertion that the author's operation was not irreversible was made in the abstract and is thereby contrary to the standard medical views, which the author has described.

7.5 Given that the doctors suggested, and the Hungarian Courts confirmed, that a future pregnancy might endanger the author's life as well as that of the child, the author argues that it is unlikely that her sterilization was done in a way that would promote the possibility of a reversal. She further asserts that the Hungarian Courts based their opinion about the reversibility of the author's sterilization exclusively on witness statements of medical staff employed by the respondent hospital and an expert medical report that had not been commissioned by the Court. Moreover, she was not examined for this purpose.

7.6 Despite extensive research, the author is unaware of whether successful surgery to reverse sterilization has been performed in Hungary as from the time of her sterilization. One can make a claim with confidence only when a reversal surgery has been carried out successfully. However, the author cannot be forced to undergo another operation to alleviate the damage. This major abdominal surgery under full anaesthesia carries risks and would not be covered by the State's social security fund.

7.7 The author argues that claims for non-pecuniary damages may be brought without determining whether or not the sterilization is irreversible. The rights of the author to physical integrity, health, honour and human dignity have been violated under the Hungarian Civil Code by the unlawful conduct of the hospital irrespective of any medical possibility of restoring her reproductive capacity. Her loss of fertility caused psychological trauma and had a detrimental effect on her private life. The unlawful sterilization has had a continuous effect on her life and has not been remedied for almost five years.

7.8 The author further argues that it was questionable to carry out the sterilization — a preventive intervention — together with a reportedly life-saving operation — the caesarean section, thereby prolonging the operating time and increasing the risk to her health. The author also argues that it took 17 minutes for her to be admitted to the hospital, prepared for surgery, given information about the procedures and the risks and consequences of sterilization, sign the statements of consent, and undergo both the caesarean section and the sterilization. The author argues further that this indicates that all steps could not have been carried out properly and that the hospital could only save time on counselling and allowing time for decision-making.

Supplementary observations of the State party

8.1 By its submission of 2 November 2005, the State party continues to assert that it would have been duly justified for the author to initiate a judicial review ("revision of judgement") because even though no damages had been awarded, an actionable infringement had been established. The judicial review is an extraordinary remedy of the Supreme Court that is based on a request to remedy a defect in respect of a legal issue. Such requests are restricted to cases where a third instance review is justified because, for example, it would contribute to the evolution of the law or to the standardization of the application of the law or it would raise a substantial legal issue.

8.2 When the Supreme Court finds that there is cause for review and if it has the necessary data and facts, it hands down a new decision that partly or fully invalidates the decision of the Court of the second instance. Otherwise, when the Supreme Court lacks the necessary data and facts, it remands the case back to the Court of the first or second instance for new proceedings and a decision.

8.3 The State party adds that Council III of the Civil College of the Supreme Court focuses specifically on legal action in medical malpractice cases and on actions for damages. The State party stresses that the Supreme Court has entertained more than

1,300 reviews since 1993. The State party argues that, therefore it would have provided the author with a suitable forum.

8.4 The State party maintains its position in respect of tubal ligature and states that the nature of the operation does not constitute an ongoing infringement because it does not cause permanent infertility, and refers to the position of the Judicial Committee of the Medical Research Council (see para. 6.2 above) on this issue. Furthermore, future pregnancy is also possible through the in-vitro fertilisation programme, which is financed by the social security system.

Supplementary submission of the author

9.1 By her submission of 16 November 2005, the author submits that the State party disregards the effect of the non-consensual sterilization on her physical integrity and mental health and dignity. In Hungarian medical law, respect for human dignity is a core right from which other rights flow. The Committee recognized in its general recommendation No. 19 that compulsory sterilization adversely affects women's physical and mental health.

9.2 The author argues that informed consent to sterilization is required by international standards and under national law and derives from respect for a woman's human rights as laid down in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, in Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

9.3 The author contends that physicians are under an ethical obligation to ensure a woman's right to self-determination by the counselling that precedes any informed decision-making. The Convention on Human Rights and Biomedicine of the Council of Europe, to which Hungary is a party, recognizes the importance of ensuring the dignity of the human being. The instrument's Explanatory Report states that the rule whereby no one may be forced to undergo an intervention without his or her consent makes clear patients' autonomy in their relationship with health care professionals.

9.4 The author recalls her extremely vulnerable situation when she sought medical attention on 2 January 2001 as a woman who would lose her child and as a member of a marginalized group of society — the Roma.

9.5 In support of her claims, the author submits a brief prepared by the Center for Reproductive Rights, Inc., in which the latter organization supports the arguments made by the author. The Center for Reproductive Rights contends that the argument of the State party to the effect that the author did not suffer a permanent violation of rights goes against internationally accepted medical standards, which assert that sterilization is a permanent, irreversible procedure.

9.6 The Center for Reproductive Rights underlines that informed consent and the right to information are critical components of any sterilization procedure and that human rights are violated when sterilization is performed without the full and informed consent of the patient. In the instant case the author was not provided with information or advice concerning sterilization, and its effects, risks, or consequences. Nor did she receive information or advice about alternative methods of contraception and family planning in violation of the State party's obligation under article 10 (h) of the Convention.

9.7 The Center for Reproductive Rights states that in the present case, the barely readable, hand-written consent form, which contained the Latin, rather than the Hungarian word for sterilization, while signed, did not indicate that informed consent had been given to the sterilization procedure. Medical personnel failed to communicate to the author in a way that she was capable of understanding and did not take into account her state of shock after losing her child and her very weak physical condition after having lost substantial amounts of blood.

9.8 The Center for Reproductive Rights notes that several international medical bodies, including the World Health Organization, have created specific guidelines and considerations to ensure informed consent in cases of sterilization demonstrates just how crucial it is that informed consent is obtained prior to delivering the life-altering procedure of sterilization that seriously impacts upon an individual's human rights.

9.9 Given the 17-minute time span between the author's arrival at the hospital and the completion of two operations, The Center for Reproductive Rights contends that it is not feasible that health care personnel provided the author with thorough information in accordance with international human rights and medical standards. Without that information, the author could not have made a well-considered and voluntary decision. The fact that the author asked the doctor when it would be safe to have another child clearly indicates that it was not explained to the author that she would be prevented from having any more children after the procedure.

9.10 The Center for Reproductive Rights states that international medical standards clearly note that patients must always give their informed consent to sterilization procedures, even in cases that pose a health risk.

9.11 The Center for Reproductive Rights is of the view that by sterilizing the author without her fully informed consent, the State party, through the doctors at the public hospital, violated the author's right to decide on the number and spacing of children by limiting her access to the information that would have allowed her to make the decision as to whether to be sterilized. As a result of the sterilization that was performed without consent, the author no longer has, and will never have the freedom to make decisions as to the number and spacing of children.

Issues and proceedings before the Committee

Consideration of admissibility

10.1 In accordance with rule 64 of its rules of procedure, the Committee shall decide whether the communication is admissible or inadmissible under the Optional Protocol to the Convention. Pursuant to rule 72, paragraph 4, of its rules of procedure, it shall do so before considering the merits of the communication.

10.2 The Committee has ascertained that the matter has not already been or is being examined under another procedure of international investigation or settlement.

10.3 With regard to the requirement laid down in article 4, paragraph 1, of the Optional Protocol that the Committee ascertain that all available domestic remedies have been exhausted, the Committee notes that the State party drew attention to the special or extraordinary remedy of judicial review (so-called "revision of judgement") of which the author did not make use. According to the State party, this remedy is restricted to cases where a third instance review is justified to remedy a defect in respect of a legal issue. The Committee has to determine whether this remedy was available to the author and, if so should have been pursued by her. In this context, the Committee notes that, according to the author, the criteria for the remedy of judicial review that applied at the time that the appellate court handed down its decision in the author's case have, since that time, been declared unconstitutional by the Constitutional Court of Hungary because they were unpredictable. The State party has not contested this information. The author also maintains that her case did not fulfil the criteria for this remedy. She further maintains that the decision of the Court of Second Instance had specifically stated that no appeal against it was permitted. The State party has acknowledged the extraordinary nature of the remedy. Under these circumstances, the Committee considers that it cannot be expected of the author that she would have availed herself of the remedy. The Committee therefore finds that article 4, paragraph 1, of the Optional Protocol does not preclude the Committee's consideration of the communication of the author.

10.4 In accordance with article 4, paragraph 2 (e), of the Optional Protocol, the Committee shall declare a communication inadmissible where the facts that are the subject of the communication occurred prior to the entry into force of the Optional Protocol for the State party concerned unless those facts continued after that date. In considering this provision, the Committee notes that the incident which has given rise to the communication occurred on 2 January 2001. This date preceded the entry into force of the Optional Protocol for Hungary 22 March 2001. However, the author has called upon the Committee to determine whether a number of her rights under the Convention have been and continue to be violated as a result of the sterilization surgery. It has been put forward convincingly that sterilization should be viewed as permanent, in particular: sterilization is intended to be irreversible; the success rate of surgery to reverse sterilization is low and depends on many factors, such as how the sterilization was carried out, how much damage was done to the fallopian tubes or other reproductive organs and the skills of the surgeon; there are risks associated with reversal surgery; and an increased likelihood of ectopic pregnancy following such surgery. The Committee thus considers the facts that are the subject of the communication to be of a continuous nature and that admissibility *ratione temporis* is thereby justified.

10.5 The Committee has no reason to find the communication inadmissible on any other grounds and thus finds the communication admissible.

Consideration of the merits

11.1 The Committee has considered the present communication in light of all the information made available to it by the author and by the State party, as provided in article 7, paragraph 1, of the Optional Protocol.

11.2 ***According to article 10 (h) of the Convention:***

> ***States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:***
>
> *(…)*

> ***(h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.***

With respect to the claim that the State party violated article 10 (h) of the Convention by failing to provide information and advice on family planning, the Committee recalls its general recommendation No. 21 on equality in marriage and family relations, which recognizes in the context of "coercive practices which have serious consequences for women, such as forced … sterilization" that informed decision-making about safe and reliable contraceptive measures depends upon a woman having "information about contraceptive measures and their use, and guaranteed access to sex education and family planning services". The Committee notes the State party's arguments that the author was given correct and appropriate information at the time of the operation, during prenatal care and during her three previous pregnancies as well as its argument that, according to the decision of the lower court, the author had been in a condition in which she was able to understand the information provided. On the other hand, the Committee notes the author's reference to the judgement of the appellate court, which found that the author had not been provided with detailed information about the sterilization, including the risks involved and the consequences of the surgery, alternative procedures or contraceptive methods. The Committee considers that the author has a right protected by article 10 (h) of the Convention to specific information on sterilization and alternative procedures for family planning in order to guard against such an intervention being carried out without her having made a fully informed choice. Furthermore, the Committee notes the description given of the author's state of health on arrival at the hospital and observes that any counselling that she received must have been given under stressful and most inappropriate conditions. Considering all these factors, the Committee finds a failure of the State party, through the hospital personnel, to provide appropriate information and advice on family planning, which constitutes a violation of the author's right under article 10 (h) of the Convention.

11.3 ***Article 12 of the Convention reads:***

> ***1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of mean and women, access to health care services, including those related to family planning.***
>
> ***2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.***

With regard to the question of whether the State party violated the author's rights under article 12 of the Convention by performing the sterilization surgery without obtaining her informed consent, the Committee takes note of the author's description of the 17-minute time span from her admission to the hospital up to the completion of two medical procedures. Medical records revealed that the author was in a very poor state of health upon arrival at the hospital; she was feeling dizzy, was bleeding more heavily than average and was in a state of shock. During those 17 minutes, she was prepared for surgery, signed the statements of consent for the caesarean section, the sterilization, a blood transfusion and anaesthesia and underwent two medical procedures, namely, the caesarean section to remove the remains of the dead foetus and the sterilization. The Committee further takes note of the author's claim that she did not understand the Latin term for sterilization that was used on the barely legible consent note that had been handwritten by the doctor attending to her, which she signed. The Committee also takes note of the averment of the State party to the effect that, during those 17 minutes, the author was given all appropriate information in a way in which she was able to understand it. The Committee finds that it is not plausible that during that period of time hospital personnel provided the author with thorough enough counselling and information about sterilization, as well as alternatives, risks and benefits, to ensure that the author could make a well-considered and voluntary decision to be sterilized. The Committee also takes note of the unchallenged fact that the author enquired of the doctor when it would be safe to conceive again, clearly indicating that she was unaware of the consequences of sterilization. According to article 12 of the Convention, States parties shall "ensure to women appropriate services in connexion with pregnancy, confinement, and the post-natal period". The Committee explained in its general recommendation No. 24 on women and health that "[A]cceptable services are those that are delivered in a way that ensures that a woman gives her fully informed consent, respects her dignity ..." The Committee further stated that "States parties should not permit forms of coercion, such as non-consensual sterilization ... that violate women's rights to informed consent and dignity". The Committee considers in the present case that the State party has not ensured that the author gave her fully informed consent to be sterilized and that consequently the rights of the author under article 12 were violated.

11.4 ***Article 16, paragraph 1 (e), of the Convention states:***

> ***States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:***
>
> *(...)*
>
> ***(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;***

As to whether the State party violated the rights of the author under article 16, paragraph 1 (e), of the Convention, the Committee recalls its general recommendation No. 19 on violence against women in which it states that "[C]ompulsory sterilization ... adversely affects women's physical and mental health, and infringes the right of women to decide on the number and spacing of their children." The sterilization surgery was performed on the author without her full and informed consent and must be considered to have permanently deprived her of her natural reproductive capacity. Accordingly, the Committee finds the author's rights under article 16, paragraph 1 (e), to have been violated.

11.5 Acting under article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Committee on the Elimination of Discrimination against Women is of the view that the facts before it reveal a violation of articles 10 (h), 12 and 16, paragraph 1 (e), of the Convention and makes the following recommendations to the State party:

I. Concerning the author of the communication: provide appropriate compensation to Ms. Andrea Szijjarto commensurate with the gravity of the violations of her rights.

II. General:

- Take further measures to ensure that the relevant provisions of the Convention and the pertinent paragraphs of the Committee's general recommendations Nos. 19, 21 and 24 in relation to women's reproductive health and rights are known and adhered to by all relevant personnel in public and private health centres, including hospitals and clinics.
- Review domestic legislation on the principle of informed consent in cases of sterilization and ensure its conformity with international human rights and medical standards, including the Convention of the Council of Europe on Human Rights and Biomedicine ("the Oviedo Convention") and World Health Organization guidelines. In that connection, consider amending the provision in the Public Health Act whereby a physician is allowed "to deliver the sterilization without the information procedure generally specified when it seems to be appropriate in given circumstances".
- Monitor public and private health centres, including hospitals and clinics, which perform sterilization procedures so as to ensure that fully informed consent is being given by the patient before any sterilization procedure is carried out, with appropriate sanctions in place in the event of a breach.

11.6 In accordance with article 7, paragraph 4, the State party shall give due consideration to the views of the Committee, together with its recommendations, and shall submit to the Committee, within six months, a written response, including any information on any action taken in the light of the views and recommendations of the Committee. The State party is also requested to publish the Committee's views and recommendations and to have them translated into the Hungarian language and widely distributed in order to reach all relevant sectors of society.

Annex IX

Report of the Working Group on Communications under the Optional Protocol to the Convention on its seventh session

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its seventh session from 11 to 13 January 2006. All members of the Working Group attended.

2. The Working Group adopted its agenda (see annex).

3. The Working Group discussed correspondence that had been received by the secretariat since the Working Group's sixth session. It confirmed that the notes by the secretariat should include information on any routing of correspondence to and from the petitions team of the Office of the United Nations High Commissioner for Human Rights.

4. The Working Group continued to review its working methods in respect of aspects of processing communications under the Optional Protocol, including applications for interim measures and registration of communications between sessions.

5. The Working Group considered the background note prepared by the secretariat on "ordinary" and "extraordinary" domestic remedies in the context of the admissibility requirements of the Optional Protocol to the Convention.

6. The Working Group considered draft recommendations relating to four communications prepared by the respective case rapporteurs and reviewed the status of four other communications, including one that had been registered intersessionally.

7. The Working Group discussed the issue of follow-up to views on communications. It agreed to keep under review the question of follow-up to views.

8. The Working Group took the following actions:

(a) The Working Group registered communication 11/2006;

(b) The Working Group requested the secretariat to prepare, for its eighth session, a compilation of those rules of procedure which may require amendments in the light of practice and experience gained so far, as well as a compilation of aspects of its working methods;

(c) The Working Group requested the secretariat to expand the background note on ordinary and extraordinary domestic remedies in the context of the admissibility requirements of the Optional Protocol to the Convention by incorporating information about "unreasonably prolonged" remedies. The Working Group decided to consider the background note further at its next session with a view to bringing it to the attention of the Committee;

(d) The Working Group requested the secretariat to provide, at its eighth session, information about norms and case law on extradition, expulsion and deportation on grounds of gender-based persecution;

(e) The Working Group requested the secretariat to update its background note on the practice of other human rights treaty bodies concerning interim measures (CEDAW/C/2004/I/WGCOP/WP.2) and include information about the practice of other relevant bodies;

(f) The Working Group decided that its eighth session would be held from 2 to 4 August 2006;

(g) The Working Group recommends to the Committee that it include in its model communication form an additional question to authors as follows: "Do you consent to the disclosure of your name(s) to the State party should your communication be registered by the Committee in accordance with article 6, paragraph 1, of the Optional Protocol and rule 69, paragraph 1 of the Committee's rules of procedure?";

(h) The Working Group recommends to the Committee that it appoint two of its members as rapporteurs on follow-up to the views on communication No. 2/2003, *Ms. A. T. v. Hungary*.

Appendix

Agenda of the seventh session

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the last session.
3. Review and discussion of working methods.
4. Update of communications.
5. Any other matters.
6. Adoption of the provisional agenda for the eighth session, including the dates and duration, and of the report of the Working Group.

Annex X

Report of the Working Group on Communications under the Optional Protocol to the Convention on its eighth session

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its eighth session from 2 to 4 August 2006. Cornelis Flinterman, Pramila Patten and Anamah Tan attended the session. Krisztina Morvai and Magalys Arocha Domínguez did not attend.

2. The Working Group adopted its agenda (see annex).

3. The Working Group discussed correspondence that had been received by the secretariat since the Working Group's seventh session.

4. The Working Group continued to review its working methods. In particular, it discussed ways to ensure a smooth transition to the future Working Group, which will be designated for a two-year term by the Committee at its thirty-seventh session, in 2007. It considered ways for an effective continuation of the work of case rapporteurs whose terms as members of the Committee and/or the Working Group will end on 31 December 2006.

5. The Working Group considered the background notes prepared by the secretariat on gender-related persecution under refugee law and international human rights law and on the notion of "unreasonably prolonged" remedies in the exhaustion of domestic remedies, as well as an update on the background note on the practice of other human rights treaty bodies concerning interim measures (CEDAW/C/2004/I/WGCOP/WP.2).

6. The Working Group considered a draft recommendation relating to a communication prepared by the case rapporteur and reviewed the status of five other communications.

7. The Working Group discussed the first ad hoc mechanism established by the Committee in the area of follow-up to views, namely the designation of two rapporteurs on follow-up to the Committee's views on *A. T. v. Hungary* — communication No. 2/2003.

8. The Working Group took the following action:

The Working Group decided that its ninth session would be held from 5 to 7 February 2007.

9. The following recommendations for action were submitted to the Committee on matters addressed in paragraphs 1, 4 and 7 above:

(a) Expressing its grave concern about the late issuance of a visa for Ms. Arocha, which prevented her from attending the Working Group's eighth session and seriously undermined its work, the Working Group recommends that the Committee ascertain the facts, with a view to taking appropriate action;

(b) Having considered its working methods, the Working Group recommends that the Committee take into account the criteria of continuity, legal expertise and geographical diversity when designating the members of the future Working Group;

(c) Having considered the first ad hoc procedure for follow-up to the views of the Committee on individual communications, the Working Group recommends that the Committee:

(i) Refrain from setting up a permanent follow-up mechanism for the time being and instead, in conformity with rule 73 of the Committee's rules of procedure, continue to undertake follow-up on an ad hoc basis;

(ii) Entrust the Working Group with follow-up activities for the time being;

(iii) Continue to appoint two rapporteurs on follow-up to views, preferably the case rapporteur, when feasible, and a member of the Working Group;

(iv) Once it has deemed that satisfactory follow-up information has been received from the State party concerned, and in accordance with article 7, paragraph 5, of the Optional Protocol, invite that State party to submit further information about any measures taken in its subsequent reports under article 18 of the Convention; relieve the follow-up rapporteurs of their duties; and reflect such action in its annual report.

10. The Working Group also recommends, in regard to matters addressed in paragraph 4 above, that:

(a) Future case rapporteurs consult their predecessors in order to ensure a smooth and efficient transfer of responsibility on pending cases, as applicable;

(b) The Working Group to be designated by the Committee at its thirty-seventh session continue to identify rules of procedure that, in the light of evolving experience, may require amendment, and take up, as a matter of priority, rule 60 on the inability of a member to take part in the examination of a communication, with a view to recommending any necessary amendments to the Committee.

Appendix

Agenda of the eighth session

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the last session.
3. Review and discussion of working methods.
4. Update of communications.
5. Any other matters.
6. Adoption of the provisional agenda for the ninth session, including the dates and duration, and of the report of the Working Group.